

BOOK 0016 PAGE 0001

SUBJ: FY 2000 SUPPLEMENTAL APPROPRIATIONS
Office of Central Services

ORDINANCE

WHEREAS, the Board of County Commissioners believes it is in the best interest of the County to amend the Fiscal Year 2000 General Fund Operating Budget to increase the appropriation for the Office of Central Services for St. Mary's County, and

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County) §27-9(A), the St. Mary's County Director of Finance has certified in writing that such funds in the amount of \$134,926.00 are available in State grant funds under the State of Maryland Department of Transportation, Mass Transit Administration for the purpose of providing operating assistance for rural area public transportation for St. Mary's County, Maryland.

WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, §3(r), a public hearing was held on March 7, 2000 pursuant to Notice published on or about February 23, 2000 and March 1, 2000 in the Enterprise.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on March 7, 2000 to present and explain the requirements to increase the Fiscal Year 2000 Budget in the amount of \$ 134,926.00 (One Hundred Thirty-Four Thousand, Nine Hundred Twenty-Six Dollars), and such increase is hereby approved this 21st day of March, 2000, by the Board of County Commissioners of St. Mary's County, Maryland.

Those voting Aye: Randall, Anderson, Guazzo, Mattingly, Raley
Those voting Nay: _____
Those Absent: _____

Date of Adoption: 3/21/00
Effective Date: 3/21/00

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Julie B. Randall
Julie B. Randall, President

Joseph F. Anderson
Joseph F. Anderson, Commissioner

Shelby P. Guazzo
Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Sr.
Thomas A. Mattingly, Sr., Commissioner

Daniel H. Raley
Daniel H. Raley, Commissioner

ATTEST:
Alfred A. Lacer
Alfred A. Lacer
County Administrator

L. Jeannett Cudmore
L. Jeannett Cudmore
Acting Director of Finance

RECORDING FEE 8.00
TOTAL 8.00
Rest#3023 Rcpt#999999
EWA TLC BIK#1764
Mar 24, 2000 01:19 PM

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Patrick B. Murphy
Patrick B. Murphy
Acting County Attorney

SUBJ: FY 2000 SUPPLEMENTAL APPROPRIATIONS
Office of Central Services

BOOK 0016 PAGE 0002

ORDINANCE

WHEREAS, the Board of County Commissioners believes it is in the best interest of the County to amend the Fiscal Year 2000 General Fund Operating Budget to increase the appropriation for the Office of Central Services for St. Mary's County, and

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County) §27-9(A), the St. Mary's County Director of Finance has certified in writing that such funds in the amount of \$203,608.00 are available in State funds from the State of Maryland Department of General Services for the purpose of reimbursing St. Mary's County for payments provided for security guard and janitorial services at the Carter State Office Building for FY 2000.

WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, §3(r), a public hearing was held on March 7, 2000 pursuant to Notice published on or about February 23, 2000 and March 1, 2000 in the Enterprise.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on March 7, 2000 to present and explain the requirements to increase the Fiscal Year 2000 Budget in the amount of \$203,608.00 (Two Hundred Three Thousand, Six Hundred Eight Dollars, and such increase is hereby approved this 21st day of March, 2000, by the Board of County Commissioners of St. Mary's County, Maryland.

Those voting Aye: Randall, Anderson, Guazzo, Mattingly, Raley
Those voting Nay: _____
Those Absent: _____

Date of Adoption: 3/21/00
Effective Date: 3/21/00

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Thomas A. Mattingly, Sr., Commissioner

Daniel H. Raley
Daniel H. Raley, Commissioner

ATTEST:
Alfred A. Lacer
Alfred A. Lacer
County Administrator

L. Jeannett Cudmore
L. Jeannett Cudmore
Acting Director of Finance

RECORDING FEE 9.00
TOTAL 0.00
Res#5403 Rcp#999999
EHA TLC Rik#1764
Mar 24, 2000 01:32 PM

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Patrick B. Murphy
Patrick B. Murphy
Acting County Attorney

Subject: Tri-County
Animal Shelter Property
Telecommunications Tower
Construction

RESOLUTION

FOR THE PURPOSE OF CONSENTING TO CONSTRUCTION, OPERATION AND MAINTENANCE OF A TELECOMMUNICATIONS TOWER AND ASSOCIATED FACILITIES AT THE TRI-COUNTY ANIMAL SHELTER PROPERTY.

WHEREAS, by deed dated July 27, 1960 and recorded among the Land Records of Charles County, Maryland at Liber 149, folio 522, the County Commissioners for St. Mary's County own a thirty-seven and one-half percent interest as tenants in common with the County Commissioners of Charles County and the County Commissioners of Calvert County in land situated in Charles County, known and referred to generally as the Tri-County Animal Shelter property (the "Property"); and,

WHEREAS, The County Commissioners of Charles County have constructed, operated and maintained a communications tower on the Property for more than twenty years; and,

WHEREAS, the County Commissioners of Charles County have replaced the former tower with a new communications tower; and,

WHEREAS, it is in the best regional public interest to avoid interference with the telecommunications transmissions of public safety agencies in Calvert, St. Mary's and Charles Counties caused by a proliferation of unmanaged communications towers;

NOW, THEREFORE, BE IT RESOLVED, this 4th day of April, 2000 by the County Commissioners for St. Mary's County, that the County Commissioners for St. Mary's County agree and consent to the construction, operation and maintenance of a telecommunications tower with associated facilities and utilities on the Property in accordance with the Master Lease Agreement between the County Commissioners of Charles County and American Towers, L.P., dated October 4, 1999 and for a period of up to 25 years, provided that thirty-seven and one half percent of the net proceeds from any rents received by the County Commissioners of Charles County pursuant to the Master Lease Agreement shall be remitted annually to the County Commissioners of St. Mary's County.

Those voting Aye: Randall, Anderson, Guazzo, Mattingly, Raley

Those voting Nay: _____

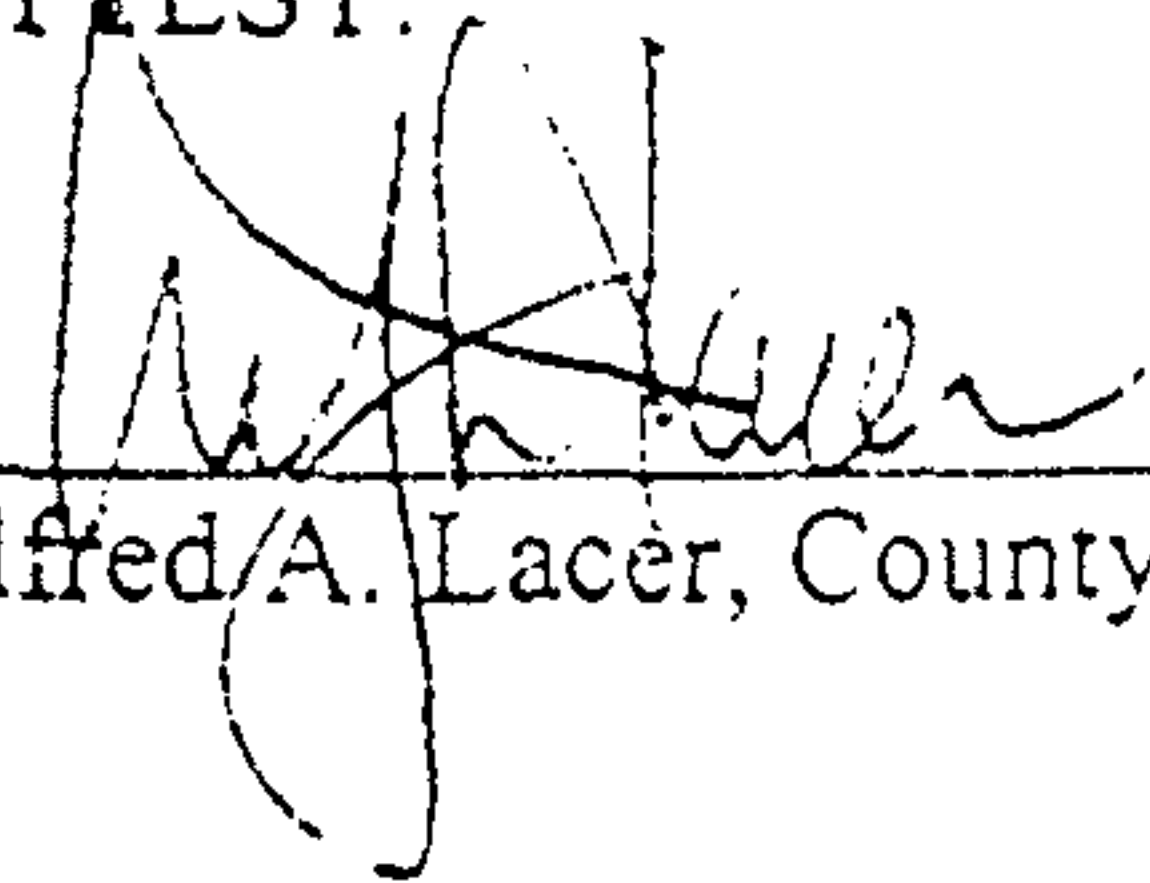
Those Absent: _____

ADOPTED: 4/4/00

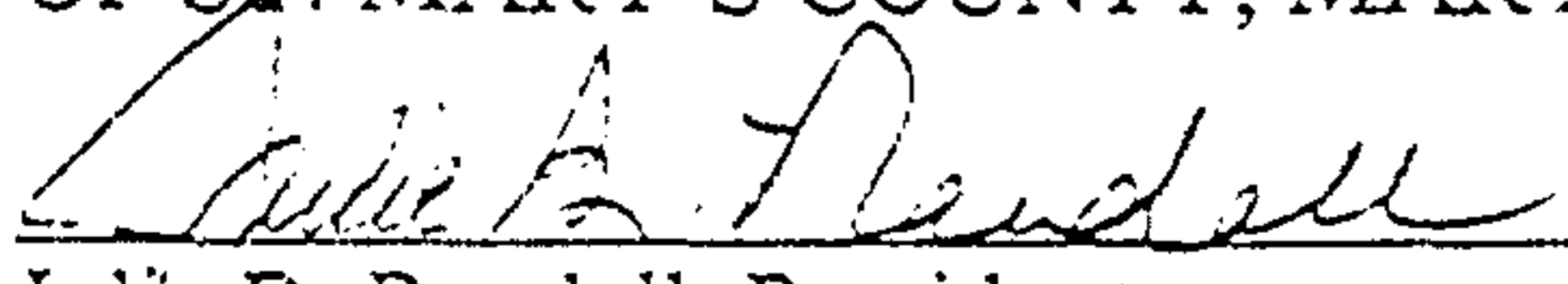
EFFECTIVE: 4/4/00

RECORDING FEE 0.00
TOTAL 0.00
RES#0000 ACCT#000000
EPA LP 2147395
APR 06 2000 09:39


ATTEST:

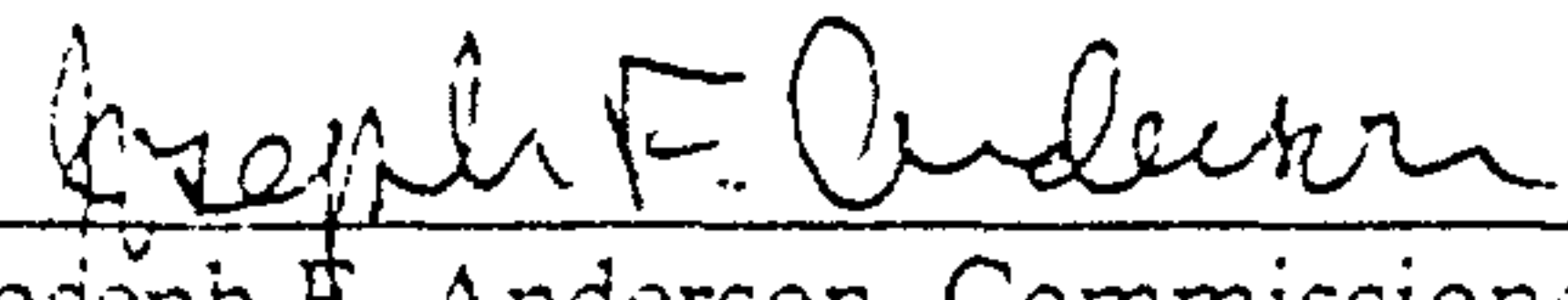

Alfred A. Lacer, County Administrator

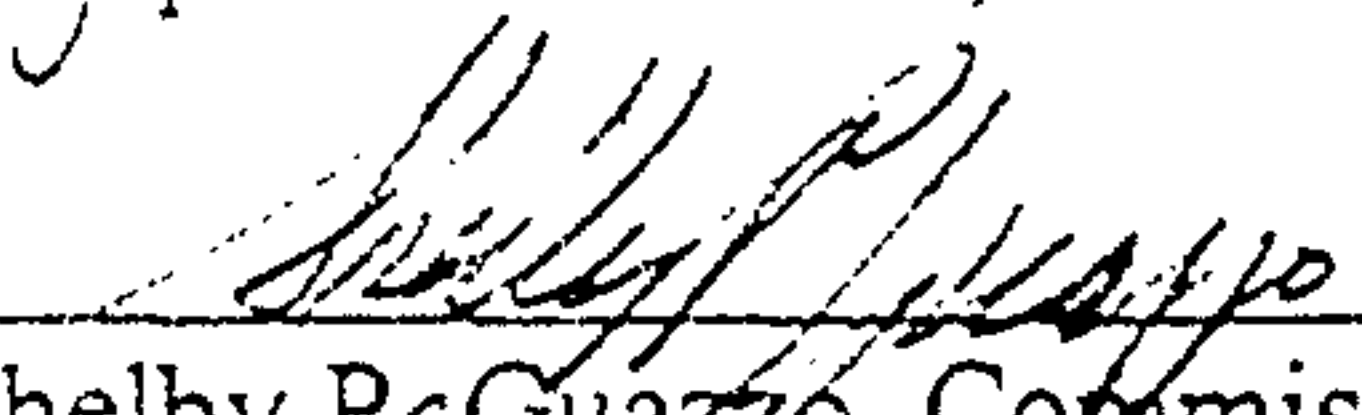
BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

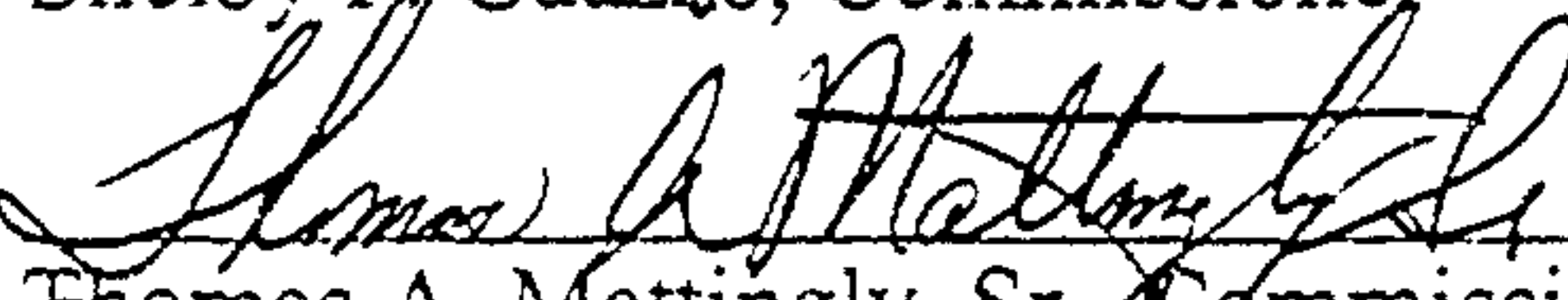

Julie B. Randall, President

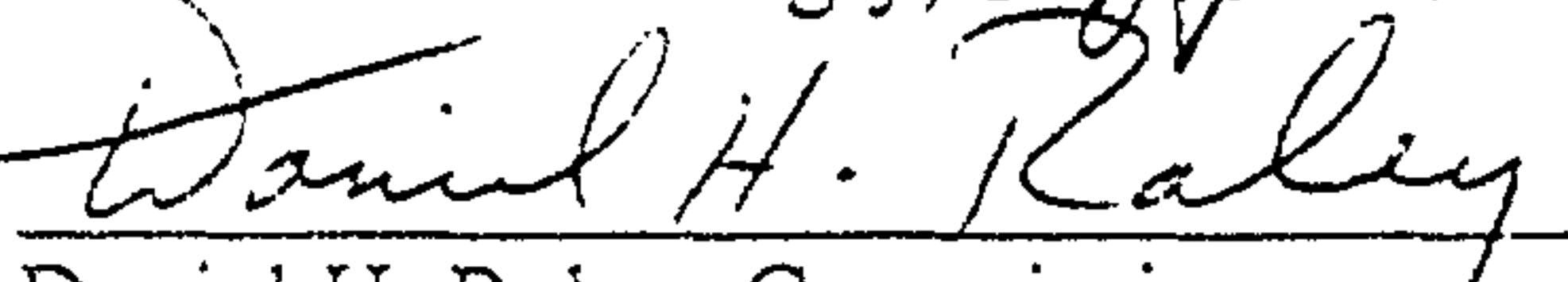
APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:


Patrick B. Murphy, Acting County
Attorney


Joseph F. Anderson, Commissioner


Shelby P. Guazzo, Commissioner


Thomas A. Mattingly, Sr., Commissioner


Daniel H. Raley, Commissioner

RESOLUTION

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland, recognizes the need to undertake a comprehensive planning study of the Callaway Village Center and its surrounding area; and

WHEREAS, the County Commissioners have authorized and instructed the Director and the staff of the Department of Planning and Zoning to study whether revisions should be made to the Zoning Ordinance that would affect the standards, quality, appropriate density, configuration, transportation network, landscaping requirements, architectural requirements, layout and location of development projects in around the Callaway Village Center as described in the St. Mary's County Comprehensive Plan; and

WHEREAS, the area of St. Mary's County which lies within approximately a one mile radius of the intersection of Maryland Route 5 and Maryland Route 249 shall be known as the "Callaway Village Study Area"; and

WHEREAS, the Board of County Commissioners recognizes that the orderly development and management of growth in the designated Callaway Village Center currently provided for in the approved comprehensive plan would benefit from valuable input from the citizens of St. Mary's County.

WHEREAS, the Board of County Commissioners recognize the limited personnel resources that challenge county government and the need to perform a review and analysis of the development policies and regulations affecting growth in the study area; and

WHEREAS, the Board of County Commissioners has determined that a Citizen's Advisory Committee should be established to assist the St. Mary's County Government in the evaluation of planning policies and development guidelines for the Callaway Village study area; and

WHEREAS, the Board of County Commissioners has instructed the Director and staff of the Department of Planning and Zoning to complete a planning study and recommended revisions to the Zoning Ordinance (or Unified Land Development Code) for properties in the Callaway Village Study Area on or before nine months from the start of the planning project; and

WHEREAS, the Board of County Commissioners has determined that this Callaway Citizens Advisory Committee and Village Center Plan may serve as a model citizen participation process and model planning format for other, future planning for our Villages and Town Centers as designated in the 1999 Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for St. Mary's County, Maryland, that there is hereby established a Callaway Citizens Advisory Committee.

MEMBERSHIP

The Callaway Citizens Advisory Committee shall consist of at least seven (7) members. Citizen members shall be appointed by a majority vote of the Board of County Commissioners. Citizens shall be appointed representing a cross-section of interested and affected populations, including but not limited to the following:

- A member of the St. Mary's County Planning Commission; and
- A business owner and/or operator from within the study area; and
- A resident and/or property owner from the study area; and
- A member of the faith community from the study area; and
- A member with an expressed interest and expertise in the health of the St. Mary's River; and
- An at-large member who is a resident of St. Mary's County, but not necessarily of the study area.

RECORDING FEE 0.00
 TOTAL 0.00
 Res#3400 Rpt#399999
 EHA LP 01/17/05
 Apr 05: 2000 03:49

The committee shall select a Chairman from its membership. Support from county staff shall be provided by the Director of Planning & Zoning (or designee) and representatives from affected agencies such as Department of Public Works, Health, Metropolitan Commission, State Highway Administration or others as needed.

SUBJ: Callaway Citizens Advisory Committee

DUTIES AND RESPONSIBILITIES

The Callaway Citizens Advisory Committee shall serve in an advisory capacity to the Board of County Commissioners in the following capacities:

1. Perform a comprehensive review of the existing policies and implementation measures in the 1999 Comprehensive Plan for the Callaway Village study area.
2. Provide input to staff and consultants responsible for drafting a village center plan for the Callaway Village study area and implementing regulations; and
3. Prepare and present a final report of their findings and recommendations to the St. Mary's County Planning Commission and Board of County Commissioners for consideration and adoption.

RESOURCES

The Department of Planning and Zoning, other affected agencies, and consultants to the county will provide all necessary support staff, services and materials required by the Callaway Citizens Advisory Committee.

SCHEDULE

April 6, 2000	Callaway Citizens Advisory Committee convenes to develop a plan for Callaway Village Center and its surrounding area.
April - May, 2000	Public Informational Meeting Staff and Consultants develop plan concepts, work with Callaway Citizens Advisory Committee.
May 18, 2000	Public presentation of plan concepts
June - August, 2000	Callaway Citizens Advisory Committee meetings with staff & Consultant
September, 2000	Prepare final draft plan for public review and hearing
October, 2000	Joint Planning Commission/Board of County Commissioners public hearing on draft plan
November, 2000	Board of County Commissioners adoption of plan; and Joint Planning Commission/Board of County Commissioners public hearing on implementing regulations
December, 2000	Board of County Commissioners adoption of regulations

DATE OF ADOPTION: 4/4/00

EFFECTIVE DATE: 4/4/00

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Julie B. Randall
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Daniel H. Raley
Daniel H. Raley, Commissioner

ATTEST:
Alfred Lacer
Alfred Lacer
County Administrator

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

Patrick B. Murphy
Patrick Murphy
Acting County Attorney

provisions to replace NEC 1996;

WHEREAS, the St. Mary's County Board of Electrical Examiners after thorough review and discussion recommends that the Board of County Commissioners for St. Mary's County repeal in its entirety Articles I and II of §247 and re-enact within §217 for the purpose of consolidating the requirements for obtaining licenses, permits and homeowner installation permits;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners for St. Mary's County of St. Mary's County, Maryland that § 217 of the St. Mary's County Code is hereby repealed and readopted as set forth to adopt the 1999 National Electric Code (NEC 1999) in its entirety along with certain local special provisions to replace NEC 1996 as the Electric Code for St. Mary's County, Maryland; and

FURTHER, BE IT ORDAINED by the Board of County Commissioners for St. Mary's County of St. Mary's County, Maryland that Articles I and II of §§ 247-1 through 247-7 are hereby repealed and re-adopted as §§ 217-2 through 217-9.

SECTION 1. NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR ST. MARY'S COUNTY, MARYLAND, that §217 shall now read as follows:

St. Mary's County - Electric Code

Table of Contents

217-1. Adoption of Standards; repeal of prior provisions; regulations.

217-2. Policies and Procedures for Issuance (Formerly Article I Electrical and Plumbing Permits)

217-3. Repealer.

217-4. Conditions for Issuance of License. (Formerly Article II Homeowners' Electrical Installations)

217-5. Certification of Qualification Required.

217-6. Inspections.

217-7. Administrative Officer Designated.

217-8. Rules and Regulations.

217-9. Severability.

217-1A. Administration of NEC 1999.

- (1) The Board of Electrical Examiners is hereby recognized as the interpreting authority of NEC 1999.
- (2) The Board of Electrical Examiners is the authority having jurisdiction regarding the enforcement of the Electrical Code as defined in Section 90-4 of NEC 1999.
- (3) The adoption of NEC 1999 along with special locally adopted provisions in the Electrical Code shall supersede all other County ordinances or resolutions applicable to electrical work, including the County's most recent adoption of the Council of American Building Officials (CABO) and the Building Officials and Code Administrators (BOCA) National Codes.

217-1B. A permit is not required to perform electrical work; however:

- (1) Electrical work performed on an unpermitted structure is subject to a stop work order; and

- (2) May be subject to civil violation and/or citation enforcement pursuant to the County Municipal Infraction System.

217-1C. Electrical Inspections:

- (1) All electrical work shall be required to be inspected subject to the following exemptions.
- (2) The following work is exempted from the inspection requirement of NEC 1999.
- a. Optical Fiber Cable and Raceways as required by Article 770 of NEC 99.
 - b. Radio and Television Equipment as required by Article 810 of NEC 99.
 - c. Community Antenna Television and Radio Distribution Systems as required by Article 820 of NEC 99.
- (3) Electrical inspections shall be performed by an approved inspection agency as authorized by the Board of County Commissioners for St. Mary's County.
- (4) Violations verified by the approved inspection agency shall be reported to the Board of Electrical Examiners and subject to:
- a. The Rules and Regulations of the Board of Electrical Examiners; and
 - b. Civil violation and/or citation enforcement pursuant to the County Municipal Infraction System.
- (5) The provisions of the 1999 National Electric Code shall not apply to electrical work for which an application for inspection has been accepted by the approved inspection agency prior to the effective date of this Ordinance.

Article I - Electrical & Plumbing Permits
[Adopted 8-16-1983 as Res. No. 83-18]

217-2. Policies and procedures for issuance.

The following policies and procedures hereby apply to the issuance of electrical and plumbing permits in St. Mary's County:

- A. Only one electrical or plumbing permit shall be issued for each installation or portion thereof.
- B. Electrical and Plumbing permits are not transferable.
- C. Should the occasion arise that a change in electrician(s) or plumber(s) be requested for whatever reason, the Permits Office shall not issue a permit unless there is presented at the time of

request:

- (1) Written proof of attempted notification of all parties (certified letter); or
- (2) A signed release.

217-3. Repealer.

Any prior policy or procedure not in agreement with the above is hereby rescinded.

ARTICLE II

Homeowners' Electrical Installations [Adopted 1-17-1984 as Res. No. 84-02]

217-4. Conditions for issuance of license.

Effective January 1, 1984, a homeowner may be granted a license for installation of electrical wiring in his/her own residence upon demonstrating to the Board of Electrical Examiners, through passage of a written test developed by said Board, that the homeowner possesses adequate knowledge of electrical wiring to be able to install systems correctly and protect his own safety.

217-5. Certification of qualification required.

The Department of Building Permit Services of St. Mary's County shall issue such a homeowner's electrical wiring license only upon receipt of certification of qualification from the Board of Electrical Examiners.

217-6. Inspections.

Inspections shall be made in accordance with the established fee schedule and Rules and Regulations of the Board of Electrical Examiners as approved by the Board of County Commissioners for St. Mary's County.

217-7. Administrative officer designated.

Applications, rules and regulations, as shall hereafter be adopted by the Board of County Commissioners for St. Mary's County, and overall administration of the procedure for issuance of licenses for homeowners' installation of electrical wiring in his own residence shall be the responsibility of the Board of Electrical Examiners.

217-8. Rules and Regulations.

A. Rule No. 1:

- (1) Any person desiring to secure a homeowner's electrical license shall make application on a form provided by the Board of Electrical Examiners of St. Mary's County. Any false, erroneous or misleading answers or statements made in an application shall be cause for the rejection of the same or the revocation of a license issued to said applicant.
- (2) Examinations will be held once a month on the first

Tuesday of the month or as otherwise scheduled by the Board of Electrical Examiners. Exams will be given by the Board of Electrical Examiners. Any person to be examined shall have his application on file with the Board of Electrical Examiners within one week prior to the date of the scheduled examination. All examinations shall be held to determine the applicant's knowledge of the duly adopted County Electrical Code and practical electrical work. During the examination, applicants shall be allowed to refer to the National Electrical Code books to be provided by the Board of Electrical Examiners. Any person found referring to unauthorized notes or books during an examination shall be disqualified and shall not be examined again until at least one year has elapsed.

- (3) All tests shall be developed, reviewed and graded by the Board of Electrical Examiners of St. Mary's County. All test questions shall be taken from the Maryland Uniform Electrical Licensing Examination Committee, Inc., ("MULEC") state-wide examination book. Applicants for examination will be required to obtain at least a 70% grade in order to obtain a license. Applicants who fail to obtain the required 70% will be entitled to reexamination upon submission of a new application. No person shall be entitled to more than three examinations (one initial and two reexaminations) in any one calendar year. Persons failing all three examinations will not be eligible for reexamination from one year of the last exam date.
- (4) The examination fees are as follows: The exam fee of \$25, which entitles applicant to three exams, is due at the time of submitting the application.
- B. Rule No. 2: No license shall be granted to any person under the age of 21 years.
- C. Rule No. 3: A time period of two years must elapse before any person, issued a license for work to be done at one location, may be issued a license for work to be done at a different location. A second license issued must be only for work in the person's certified residence.
- D. Rule No. 4: A homeowner's license is valid for two years from the date of issue and only for the type of work authorized.
- E. Rule No. 5: The Board of Electrical Examiners shall have full power to revoke, for proper cause, any license after a full hearing of all involved parties. The date, time and place of said hearing shall be set by the Board.
- F. Rule No. 6: Any and all complaints must be made in writing to the Board of Electrical Examiners.

G. Rule No. 7: Change or relocation of the service (as defined in the adopted County Electrical Code) after the initial installation is not authorized by the homeowner's license.

217-9. Severability.

In the event any portion of this ordinance is found to be unconstitutional, illegal, null or void, by a court of competent jurisdiction, it is the intent of the Board of County Commissioners for St. Mary's County to sever only the invalid portion or provision, and that the remainder of the ordinance shall be enforceable and valid, unless deletion of the invalid portion would defeat the clear purpose of the ordinance, or unless deletion of the invalid portion would produce a result inconsistent with the purpose and intent of the Board of County Commissioners for St. Mary's County in enacting this ordinance.

SECTION 2. AND BE IT FURTHER ENACTED, That this Ordinance shall take effect on _____.

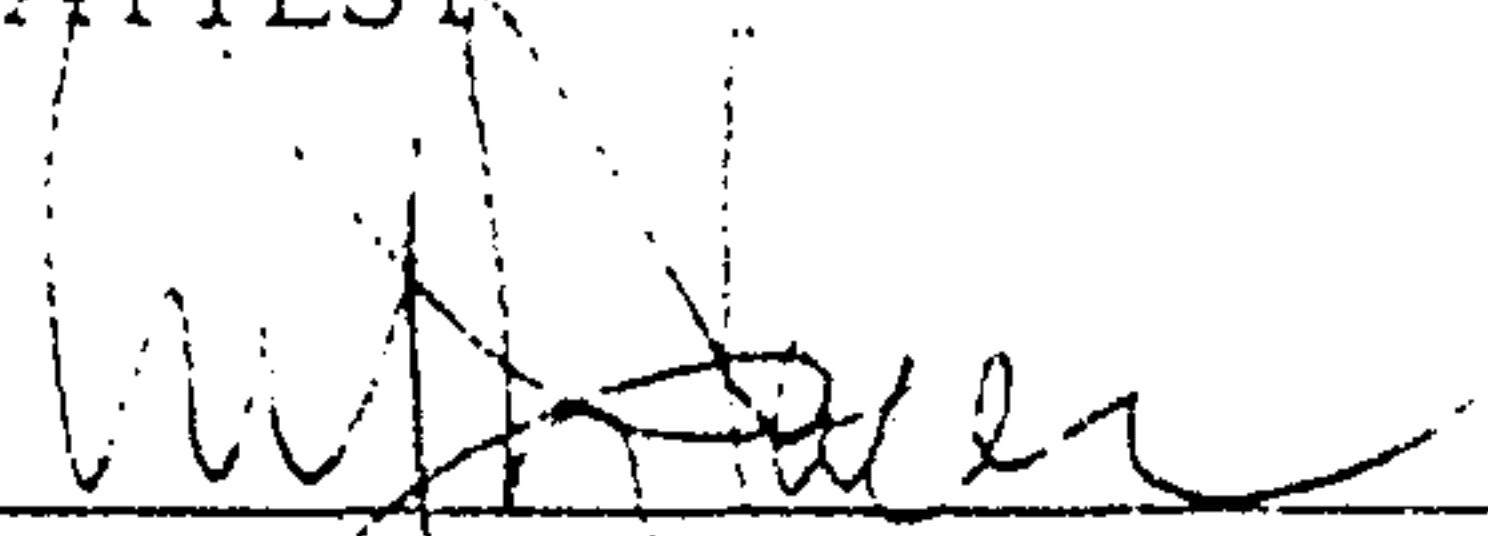
SECTION 3. CONFLICT. Where there shall be any conflict between the Electric Code and any other federal, state or county laws, rules, regulations, or ordinances, the more strict law, rule, regulation or ordinance shall be applicable.

SECTION 4. ADOPTION OF SUBSEQUENT EDITIONS AND/OR AMENDMENTS. The Board of County Commissioners for St. Mary's County shall from time to time as necessary adopt and implement revisions to the St. Mary's County National Electrical Code.

DATE OF ADOPTION: 4/4/00

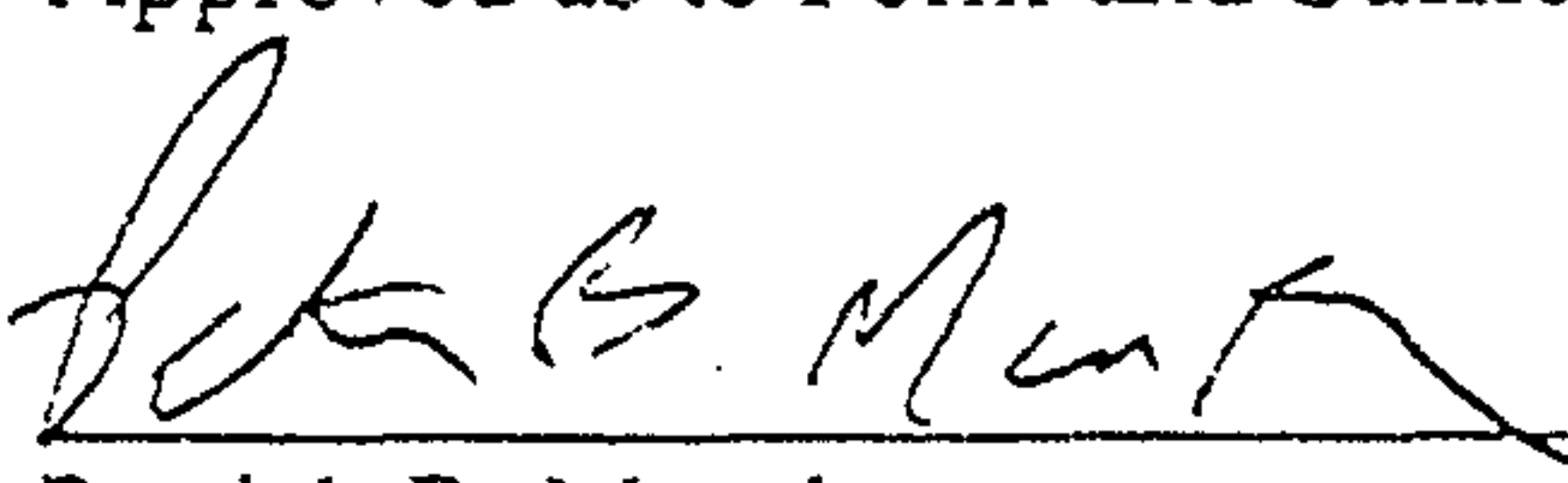
EFFECTIVE DATE: 4/4/00

ATTEST:



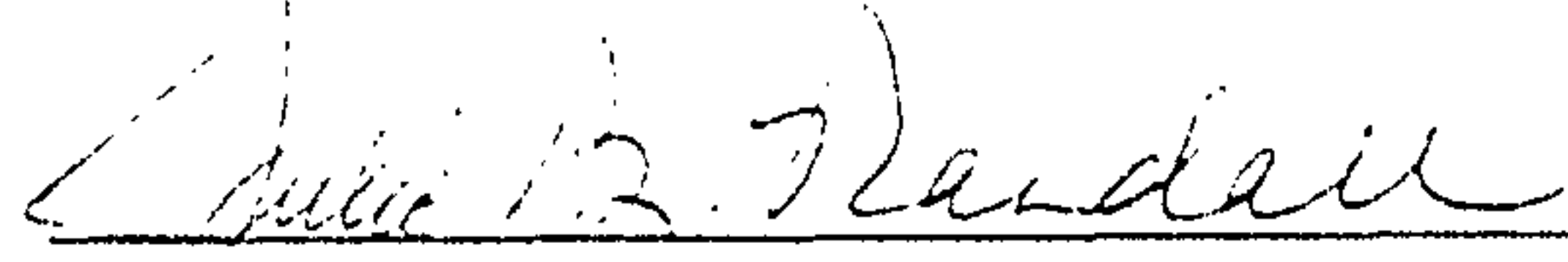
Alfred A. Lacer,
County Administrator

Approved as to Form and Sufficiency:

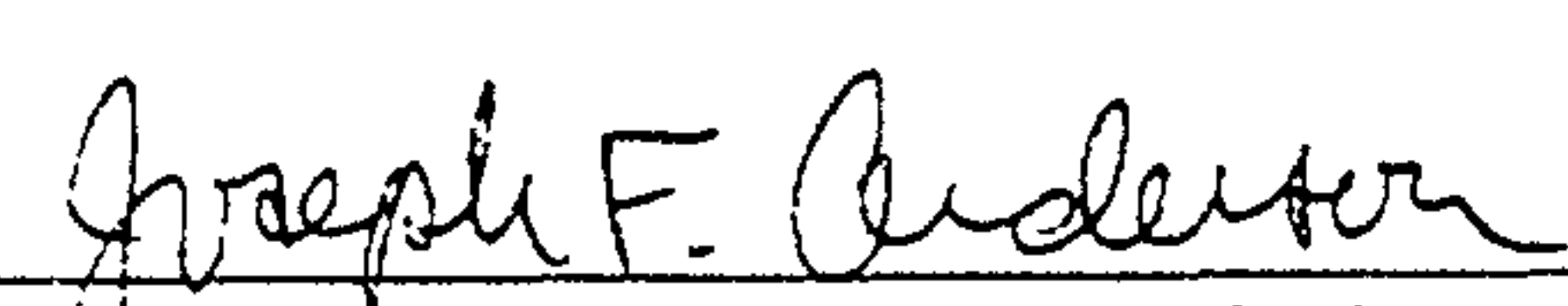


Patrick B. Murphy
Acting County Attorney

BOARD OF COUNTY COMMISSIONERS FOR
ST. MARY'S COUNTY, MARYLAND



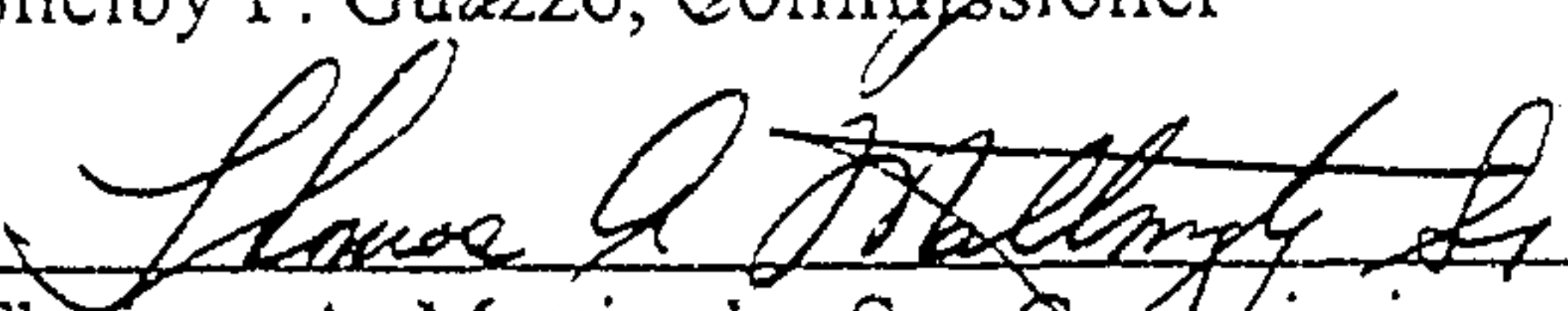
Julie B. Randall, President



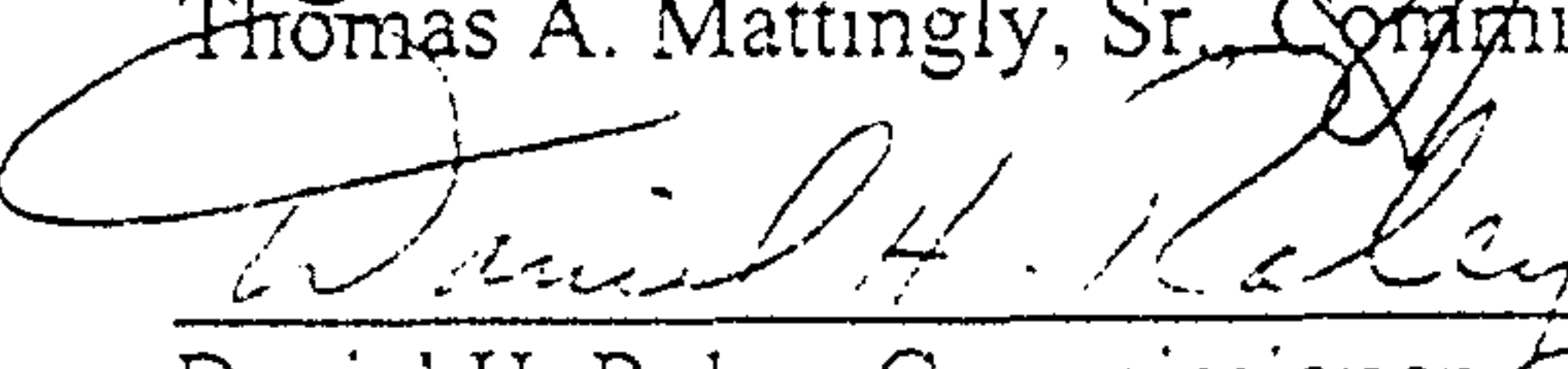
Joseph F. Anderson, Commissioner



Shelby P. Guazzo, Commissioner



Thomas A. Mattingly, Sr., Commissioner



Daniel H. Raley, Commissioner

BOOK 0018 PAGE 0 ~ 13

No. 00-13
Subject: Consolidation of St. Mary's
County Plumbing and Natural Gas Codes

ORDINANCE

FOR THE PURPOSE OF AMENDING AND CONSOLIDATING THE ST. MARY'S COUNTY PLUMBING CODE AND THE ST. MARY'S COUNTY NATURAL GAS CODE INTO A SINGLE CODE TO BE ENTITLED THE ST. MARY'S COUNTY PLUMBING CODE AND TO REPEAL ARTICLE III OF SECTION 247-8 THROUGH SECTION 247-12 AND RE-ENACT WITHIN SECTION 250-7.

RECORDING FEE 0.00
TOTAL 0.00
Rest#4903 Rpt#499599
EWA LP 01/444
Apr 06, 2000 12:31 PM

RECITALS

Statutory Authority

WHEREAS, Section 12-206 of the Business Occupations & Professions Article of the Annotated Code of Maryland authorizes and empowers the Board of County Commissioners for St. Mary's County to either enforce the State Plumbing Code or adopt and enforce a local plumbing code that meets or exceeds the minimum standards of the State Plumbing Code for the proper design, acceptable installation, and adequate maintenance of plumbing systems;

WHEREAS, Article 83B, Sections 6-402(e) and (g) of the Annotated Code of Maryland authorizes and empowers the Board of County Commissioners for St. Mary's County to adopt, implement and enforce the Maryland Building Performance Standards and to make any local amendments thereto and to charge fees necessary to cover the cost of same;

WHEREAS, Article 25, Section 3(t-1) of the Annotated Code of Maryland authorizes and empowers the Board of County Commissioners for St. Mary's County to provide for inspection and enforcement of the plumbing and gas code and for reasonable charges for permits and inspections;

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland has the authority, via the Laws of Maryland 1973, Chapter 628, and codified as the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Chapter 92 to adopt, amend and repeal rules and regulations pertaining to a County Plumbing Code and to appoint a Plumbing Board;

Existing Ordinances

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland previously enacted Section 203 of the Code of Public Local Laws of Maryland, Article 19 (St. Mary's County), which adopted, amended and repealed rules and regulations governing the issuance and use of a building permit;

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland has previously adopted an Electrical Code, codified in the Code of St. Mary's County, Sections 217-1 through 217-9;

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland previously enacted Section 223 of the Code of Public Local Laws of Maryland, Article 19 (St. Mary's County), which entitled user fees to be charged in an amount necessary for the implementation and enforcement of inspections, for a building permit application fee, a fee for the issuance of licenses for County master plumbers, journeyman and apprentices, and for a variety of other fees assessed by the Board of County Commissioners for St. Mary's County;

WHEREAS, the Board of County Commissioners for St. Mary's County of St. Mary's County, Maryland previously adopted a Natural Gas Code codified in the Code of St. Mary's County, Sections 242-1 through 242-10;

WHEREAS, the Board of County Commissioners for St. Mary's County of St. Mary's County, Maryland previously adopted a Permits and Licenses Resolution relevant to homeowner's

plumbing installations codified in the Code of St. Mary's County, Sections 247-8 through 247-12;

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland has previously adopted a Plumbing Code, codified in the Code of St. Mary's County, Sections 249-1 through 249-14;

Legislative Intent

WHEREAS, in accordance with State laws, it is the intent of the Board of County Commissioners for St. Mary's County, Maryland to delete the requirement of local natural gas and propane licensing by the St. Mary's County Plumbing Board;

WHEREAS, Board of County Commissioners for St. Mary's County, Maryland has requested that the Attorney General, Opinions and Advice Section render an opinion relevant to the authority of the Board of County Commissioners for St. Mary's County, Maryland to issue local plumbing, natural gas and propane gas licenses that opinion has been received and is consistent with the County Attorney's opinion that the Board of County Commissioners for St. Mary's County lacks authority to issue such local licenses;

WHEREAS, the St. Mary's County Plumbing Board has recommended to the Board of County Commissioners for St. Mary's County, Maryland that both the St. Mary's County Plumbing Code and Natural Gas Code be consolidated into one exhaustive Plumbing Code in accordance with State law to improve and clarify the implementation of these Codes;

WHEREAS, in accordance with State and Local laws, it is the intent of the Board of County Commissioners for St. Mary's County, Maryland to consolidate the St. Mary's County Plumbing Code and the St. Mary's County Natural Gas Code into a single Plumbing Code;

Notice and Hearing

WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, Section 3(r), a public hearing was held on November 24, 1998 pursuant to notice published on or about November 11, 1998 and November 18, 1998 in The Enterprise, a newspaper of general circulation.

WHEREAS, the Board of County Commissioners for St. Mary's County held a public hearing on November 9, 1999, pursuant to Article 25, § 3(r) of the Annotated Code of Maryland, pursuant to notice published in a local newspaper of general circulation in St. Mary's County on October 20, 1999 and October 27, 1999 relevant to the within proposed amendments to the St. Mary's County Plumbing and Natural Gas Codes;

SECTION 1. NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR ST. MARY'S COUNTY, MARYLAND, that Chapter 242 of the St. Mary's County Code entitled "Natural Gas Code" is hereby repealed.

SECTION 2. NOW THEREFORE, BE IT ORDAINED, BY THE BOARD OF COUNTY COMMISSIONERS FOR ST. MARY'S COUNTY, MARYLAND, that Chapter 249 of the St. Mary's County Code entitled "Plumbing" is hereby repealed.

SECTION 3. NOW THEREFORE, BE IT ORDAINED, BY THE BOARD OF COUNTY COMMISSIONERS FOR ST. MARY'S COUNTY, MARYLAND, that Section 217-2 of the St. Mary's County Code is hereby amended to remove all references to plumbing and shall hereafter provide as follows:

Policies and Procedures for Issuance

The following policies and procedures hereby apply to the issuance of electrical permits in St. Mary's County:

- A. Only one (1) electrical permit shall be issued for each installation or portion thereof.
- B. Electrical permits are not transferable.
- C. Should the occasion arise that a change in electricians be requested for whatever reasons, the Building Permits Services Office shall not issue a permit unless there is presented at the time of request:
 - (1) Written proof of attempted notification of all parties (certified letter); or
 - (2) A signed release.

SECTION 4. NOW THEREFORE, BE IT ORDAINED, BY THE BOARD OF COUNTY COMMISSIONERS FOR ST. MARY'S COUNTY, MARYLAND, that Article III containing Sections 247-8 through 247-12 of Chapter 247 of the St. Mary's County Code entitled "Homeowner's Plumbing Installations" is hereby repealed.

SECTION 5. NOW THEREFORE, BE IT ORDAINED, BY THE BOARD OF COUNTY COMMISSIONERS FOR ST. MARY'S COUNTY, MARYLAND, that there exists a need to adopt a Plumbing Code within St. Mary's County, and that Chapter 250 of the St. Mary's County Code shall hence forth be adopted as the St. Mary's County Plumbing Code as hereinafter set forth below:

**St. Mary's County Plumbing Code
Chapter 250**

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- (b) Plumbing Board

250-1. DEFINITIONS

(a) **Plumbing Permit Office** - The St. Mary's County Department of Building Permit Services.

(b) **Approved Inspection Agency** - An agency, entity, contractor, person, company, and/or corporation approved by the Board of County Commissioners for St. Mary's County, Maryland to conduct inspections of plumbing work.

(c) **Washington Suburban Sanitary and Sewage Commission** (hereinafter "WSSC") - manages and controls Prince George's and Montgomery Counties water and sewer systems pursuant to the authority granted by the Maryland General Assembly.

(d) **St. Mary's County Metropolitan Commission** - is a quasi-municipal corporation with authority over public water and public sewer systems including the introduction of industrial wastes into the public sewer system in St. Mary's County.

(e) **State Board** - means the State Board of Plumbing.

(f) **Master Plumber** - An individual who is licensed by the State Board to provide plumbing services. The Master Plumber is qualified to obtain a plumbing permit.

(g) **Master Gas Fitter** - An individual who is licensed by the State Board to provide fuel gas services. The Master Gas Fitter is qualified to obtain a plumbing permit for the purpose of providing fuel gas services only.

(h) **Journey Person Plumber** - An individual who is licensed by the State Board to provide plumbing services while under the direction and control of a master plumber or holder of a limited master plumber's license.

(i) **Journey Person Gas Fitter** - An individual who is licensed by the State Board to provide fuel gas services while under the direction and control of a master gas fitter or holder of a limited master gas fitter's license.

(j) **Apprentice Plumber** - An individual who is licensed by the State Board to assist a master plumber or a holder of a limited master plumber's license in providing plumbing services while under the direction and control of the master plumber or holder of the limited master plumber license and in training to become a journey plumber.

(k) **Apprentice Gas Fitter** - An individual who is licensed by the State Board to assist a master gas fitter or a holder of a limited master gas fitter's license in providing fuel gas services while under the direction and control of the master gas fitter or holder of the limited master gas fitter's license and in training to become a journey gas fitter.

(l) **Propane Gas Fitter** - An individual who is licensed by the State Board to provide propane gas services.

250-2 ST. MARY'S COUNTY PLUMBING BOARD**(a) Creation**

St. Mary's County Plumbing Board (hereinafter "the Plumbing Board") - A seven (7) member board for which appointees are chosen by the Board of County Commissioners for St. Mary's County.

(b) Qualifications

There shall be one member from the St. Mary's Department of Environmental Health, one member from the St. Mary's Metropolitan Commission (public water and sewer), one member from a Public Utility providing natural gas to St. Mary's County, and three members currently or previously licensed Master Plumbers and the one remaining from any construction trade.

(c) Authority

The Plumbing Board shall:

1. Make recommendations to the Board of County Commissioners for St. Mary's County regarding permit and inspection fees;
2. Make recommendations to the Board of County Commissioners for St. Mary's County regarding ordinance amendments; and
3. Hear all disputes regarding the interpretation and enforcement of the Plumbing Code.

250-3. ST. MARY'S COUNTY PLUMBING & FUEL GAS CODE**(a) Standard State Code Adoption**

All plumbing work performed in St. Mary's County shall conform to the Maryland State Plumbing Code codified in the Code of Maryland Regulations, Sections 09.20.01 through 09.20.02 which is otherwise known as the Maryland version of the 1993 National Standard Plumbing Code Illustrated with 1994 and 1995 Supplements, published by the National Association of Plumbing-Heating-Cooling Contractors (hereinafter "PHCC") which is hereby adopted by the Board of County Commissioners for St. Mary's County, Maryland.

(b) Local Modifications**1993 National Standard Plumbing Code Illustrated with 1994 and 1995 Supplements**

Administration delete the chapter entitled "Administration" containing Adm1.1 through 1.13 in its entirety.

1.12.2 Water and Sewer insert "The St. Mary's County Metropolitan Commission is the Administrative Authority pertaining to public water and sewer systems. The St. Mary's County Department of Environmental Health is the Administrative Authority pertaining to private well and sewage disposal systems."

2.10.2 Industrial Wastes delete "Administrative Authority" and insert "St. Mary's County Metropolitan Commission".

2.16 Freezing or Overheating insert "24" at blank space under "a." and insert "12" at blank space under "b."

2.16(e) Waterpipes and Sanitary insert "waterpipes and sanitary traps within 3 feet of exterior walls in unconditioned crawlspaces shall be insulated."

2.19.1 Availability of Public Water and Sewer delete "if the public Authority.", and insert "in accordance with the St. Mary's County Comprehensive Water and Sewerage Plan."

3.1.5 Adoption of Uniform Color Code insert "c. Permanently colored "detectable tape" of the proper color (see b. above) must be onsite at the time of the trench inspection."

3.3.2 Cleanout Plugs and Caps under both "a." and "b." delete "plastic, reinforced neoprene." and insert "metal" between the words "approved" and "materials".

5.4.10 Manholes for Large Pipes delete "approved" and insert "St. Mary's County Metropolitan Commission".

6.1.1 When Required after "Administrative Authority" insert "(see 1.12.2)".

9.7.2 Treatment Required for Corrosive Wastes under "NOTE:" delete "Local Administrative Treatment Authority" and insert "St. Mary's County Metropolitan Commission Sewer Use Regulation".

9.9.2 Point of Discharge amend "f." by deleting text and replace with "No discharge allowed to any public sewer nor to any onsite sewage disposal system."

10.6.1 Separation of Water Service and Building Sewer insert "See COMAR 26.04.04 Well Regulations for additional requirements imposed by State regulations."

10.12.1 Curb Valve add "The Administrative Authority for plumbing installed between the property line and the street main is the St. Mary's County Metropolitan Commission."

10.16.6 Installation of Relief Valves under "j." delete "unless Authority." And insert "which includes a crawl space or basement. The pipe must terminate a maximum 16" above the drain pan or floor of basement or crawl space."

11.8.1 Fixture Subject to Backflow of Sewage insert "No drainage fixtures or sanitary building drains shall be installed at elevation lower than six inches above the elevation of the top of the cover of the nearest upstream manhole of the main collector sewer serving the structure, unless either:

- a. The fixture drains by gravity into a sump from which sewage is pumped into a building gravity drainage system; or
- b. The building sewer serving the structure is connected to a sewage pump or ejector, so that sewage cannot flow directly by gravity into the main sewer.

250-4. Permits

(a) Work Requiring a Permit

1. A plumbing permit shall be required for the installation, alteration, repair, replacement, conversion, or addition to any plumbing system, or part thereof, regulated by this Code including, but not limited to:

- a. New, added, altered, replaced, or relocated standpipes, water supply, sewer, drainage, drain leader, soil, waste, vent, or similar piping;
- b. New fuel gas systems, additions, alterations, extensions or relocation of gas lines, equipment or meters;
- c. Retrofit of equipment to be served by fuel gas unless deemed Heating, Ventilation, Air Conditioning and Refrigeration (HVACR) work by the State of

Maryland, however this work must be completed in accordance with the State Heating, Ventilation, Air Conditioning, and Refrigeration (HVACR) Code and must be conducted by a State licensed Heating, Ventilation, Air Conditioning, and Refrigeration (HVACR) contractor;

d. Installation of new underground piping;

e. Replacement, relocation or repair of existing piping;

2. A plumbing permit shall be required for the installation of the soil pipe conveying waste to the inlet of the septic tank, or as it connects to a community sewer collection system.

3. A plumbing permit shall be required by an individual homeowner or occupant of residence in order to perform plumbing work personally performed by the individual in or to his/her residence. Pursuant to Section 12-301(b) of the Business, Occupation and Professions Article of the Annotated Code of Maryland, an individual personally performing plumbing work in or to his/her residence need not be licensed to provide said plumbing services. The individual who personally provides plumbing services in or to his/her residence may not provide plumbing services that make a final connection between the residence of an individual and public or private disposal system or water supply system, pursuant to Section 12-301(b).

(b) Exceptions

A plumbing permit shall not be required for:

1. the installation of a septic tank to the drain fields, dry wells, and other similar facilities.

2. The service, repair, like for like replacement or installation of fuel gas appliances deemed Heating, Ventilation, Air Conditioning, and Refrigeration (HVACR) work according to state standards past the gas cock at the appliance being serviced, repaired, replaced, altered, or installed. This work, however, must be completed in accordance with the State Heating, Ventilation Air Conditioning, and Refrigeration (HVACR) Code and must be conducted by a State licensed Heating, Ventilation, Air Conditioning, and Refrigeration (HVACR) contractor.

3. The stopping of leaks in drains, soil, waste, or vent pipes does not require a permit.

4. The clearing of stoppages.

5. The repairing of leaks in valves and fixtures.

6. The removing and reinstallation of a water closet for a clean out opening.

7. Installation of a backflow prevention device for connection to the potable water system for non-potable purposes, i.e. (irrigation systems, decorative fountains) provided it is performed by a master plumber.

(c) Application Requirements

1. Required plans and specifications shall show in sufficient detail the layout and spacing of fixtures, the size, material and location of all buildings, sewers and drains, storm sewers and drains, and the soil, waste, vent, water, and gas piping.
2. The filing of plans and specifications shall not be required for installations in one and two-family dwellings and their accessory buildings.
3. The plumbing permit and a copy of any approved plans shall be made available to the Plumbing Inspector upon request.
4. Only one (1) plumbing permit shall be issued for each installation or portion thereof.
5. Permits are not transferable.
6. Should the occasion arise that a change in plumber be required for whatever reason, the Plumbing Permit Office shall not issue a new permit unless a certified letter showing proof of thirty (30) days' notification to all parties or a signed release is presented at the time of request for the new permit.

(d) Display of Permit

Notice that the plumbing permit has been obtained must be conspicuously placed at the construction site prior to the commencement of any plumbing installation or work.

250-5. Abandonment of Work

If work is abandoned for a period of one (1) year, the permit shall become void.

250-6. Inspections

(a) Notification - The approved inspection agency shall be notified by the plumbing permit applicant upon:

1. When such work is ready for rough-in inspection (prior to covering whether underground, or in walls); and
2. When such work is ready for final inspection.

(b) Inspection - The right to inspect any job site without notice is herein reserved by the Plumbing Permit Office and approved inspection agency during normal working hours.

(c) Approval - The approved inspection agency shall certify final approval. If final approval is not provided within twelve (12) months of the date of the Plumbing Permit the permit shall become void and a new permit with the appropriate fees shall be required.

250-7. Violations

(a) Compliance - Any person(s) performing plumbing work in St. Mary's County which is installed contrary to permit or fails to comply with any provision herein may be found in violation of the St. Mary's County Plumbing Code.

(b) **Deficient License** - Any person(s) performing plumbing work in St. Mary's County for which a current state license is required, but not possessed may be found in violation of the St. Mary's County Plumbing Code.

250-8. **Penalties** - Parties found in violation of the St. Mary's Plumbing Code may be subject to the following penalties:

(a) **Prosecution** - prosecution under the St. Mary's County Municipal Infraction System.

(b) Report the infraction to the State Plumbing Board, the Department of Labor, Licensing and Regulation, and/or the Maryland Attorney General's Office for prosecution.

250-9. **Enforcement and Administration**

(a) **The Plumbing Permit Office** shall be responsible for the enforcement and administration of the Plumbing Code.

(b) **The Plumbing Board** shall provide supervision and guidance to the Plumbing Permit Office.

SECTION 6. NOW BE IT FURTHER ORDAINED, by the Board of County Commissioners for St. Mary's County that the duplicative existing St. Mary's Code section adopting a plumbing code, Code of St. Mary's County, Maryland, Section 203-11 is hereby repealed and re-enacted as follows:

Section 203-11.

The Board of County Commissioners for St. Mary's County, Maryland, after due consideration and deliberation, hereby ordains that the CABO One and Two Family Dwelling Code, 1992 edition, and the BOCA National Building Code, 1993 edition, with certain local modifications as noted in Chapter 203 of the Code of St. Mary's County, are hereby adopted to replace and supersede the 1989 edition of the CABO One and Two Family Dwelling Code, and the 1990 edition of the BOCA National Building Code collectively, as the Building Code of St. Mary's County, Maryland for the construction, modification and repair of buildings and structures as herein provided; and each and all of the regulations, provisions, conditions and terms of said building codes are hereby referred to, adopted and made a part hereof as if fully set out in this Article, subject to certain special provisions as set forth in Chapter 203 of the Code of St. Mary's County. The 1996 National Electric Code as previously adopted and amended by the Board of County Commissioners for St. Mary's County, is also hereby referred to, adopted and made a part hereof as if fully set out in this Article.

SECTION 7. NOW BE IT FURTHER ORDAINED, by the Board of County Commissioners for St. Mary's County that the duplicative modification section of the Building Code, Code of St. Mary's County, Maryland, Section 203-12(l) and (m), is hereby repealed and amended as follows:

Section 203-12. Modifications

L. Chapter 27 (Electric Wiring, Equipment and Systems), Chapter 28 (Mechanical Systems) and Chapter 29 (Plumbing Systems) of the BOCA National Building Code, 1993 Edition, are hereby deleted and replaced with the 1996 National Electric Code as referenced in Section 203-11 above and St. Mary's County Plumbing Code, as set forth in Chapter 250 of the Code of St. Mary's County. Any and all references in the BOCA National Building Code to Chapter 27 (Electrical Wiring, Equipment and Systems) are hereby amended by interlineation to instead reference the 1996 National Electric Code. Likewise, any and all references in the BOCA National Building Code to Chapter 29 (Plumbing Systems) are hereby amended by interlineation to instead reference the St. Mary's County Plumbing Code, as set forth in Chapter 250 of the Code of St. Mary's County.

M. Part IV (Mechanical), Part V (Plumbing) Part VI (Electrical) and Part VII (Energy Conservation) of the 1992 CABO One and Two Family Dwelling Code are hereby deleted and replaced with the 1996 National Electric Code, St. Mary's County Plumbing Code as set forth in Chapter 250 of the Code of St. Mary's County and Chapter 13 of the BOCA National Building Code, 1993 Edition, as referenced above. Any and all references in the CABO One and Two Family Dwelling Code to Part VI (Electrical) are hereby amended by interlineation to instead reference the 1996 National Electric Code. Likewise, any and all reference in the CABO One and Two Family Dwelling Code to Part V (Plumbing) are hereby amended by interlineation to instead reference the St. Mary's County Plumbing Code, as set forth in Chapter 250 of the Code of St. Mary's County.

SECTION 8. SEVERABILITY: In the event any portion of this ordinance is found to be unconstitutional, illegal, null or void, by a court of competent jurisdiction, it is the intent of the Board of County Commissioners for St. Mary's County to sever only the invalid portion or provision, and that the remainder of the ordinance shall be enforceable and valid, unless deletion of the invalid portion would defeat the clear purpose of the ordinance, or unless deletion of the invalid portion would produce a result inconsistent with the purpose and intent of the Board of County Commissioners for St. Mary's County in enacting this ordinance.

SECTION 9. AND BE IT FURTHER ENACTED. That this ordinance shall take effect on _____. This ordinance shall apply to all plumbing work and all plumbing permit applications submitted after the effective date of this ordinance. All plumbing work and all plumbing permit applications submitted prior to the effective date of this ordinance shall be processed in accordance with prior law.

Those voting aye: Randall, Anderson, Guazzo, Mattingly, Raley

Those voting nay: _____

Those absent or abstaining: _____

DATE OF ADOPTION: 4/4/00

EFFECTIVE DATE: 4/4/00

ATTEST:
[Signature]
Alfred A. Lacer,
County Administrator

BOARD OF COUNTY COMMISSIONERS FOR
ST. MARY'S COUNTY, MARYLAND

[Signature]
JULIE B. RANDALL, President

[Signature]
JOSEPH ANDERSON, Commissioner

[Signature]
SHELBY P. GUAZZO, Commissioner

[Signature]
THOMAS A. MATTINGLY, SR., Commissioner

[Signature]
DANIEL H. RALEY, Commissioner

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:
[Signature]
Patrick B. Murphy,
Acting County Attorney

SUBJ: Historic Preservation
Real Property Tax Credit

ORDINANCE

WHEREAS, the Board of County Commissioners created an Historic Preservation Commission (the "Commission") pursuant to Section 38.4 of the St. Mary's County Zoning Ordinance, with delegated authority to recommend programs and legislation which promote historic preservation. The Commission is also authorized by Section 38.4.6.i of the Zoning Ordinance to administer tax incentive programs that will aid historic preservation.

WHEREAS, the Commission is authorized by Section 9-204 of the *Tax-Property Article* of the Annotated Code of Maryland to designate certain existing structures having historic or architectural value as being eligible for a real property tax credit of up to 10% of the properly documented expenses for restoration and preservation.

WHEREAS, the Commission is also authorized by Section 9-204 of the *Tax-Property Article* to grant a real property tax credit of up to 5% for the properly documented expenses for the construction of an architecturally compatible new structure in an historic district.

WHEREAS, Sections 9-204(f) of the *Tax-Property Article* state that the Board of County Commissioners may provide for any procedure or condition necessary to carry out these provisions.

WHEREAS, the Commission has submitted to the Board of County Commissioners its recommendations for the establishment of a real property tax credit for certain expenses incurred in the restoration or preservation of certain structures or construction of certain architecturally compatible new structures.

WHEREAS, after proper notice and publication, the Board of County Commissioners held a public hearing on the recommendations on March 21, 2000.

WHEREAS, the Board of County Commissioners finds that the creation and implementation of tax credits for the restoration and preservation of structures within historic districts will serve an established public policy of fostering and encouraging historic preservation activities through improvement, restoration and rehabilitation of such structures.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners for St. Mary's County, Maryland that there is hereby established the following standards, conditions and procedures for the approval of a property tax credit pursuant to Sections 9-204 of the *Tax-Property Article* of the Annotated Code of Maryland:

SECTION 1. DESCRIPTION OF REAL PROPERTY TAX CREDITS CREATED HEREBY:

- 1.1 Two (2) distinct property tax credits are hereby ordained and adopted and made available based upon the location, structure, improvements, construction, restoration or rehabilitation proposed.
 - 1.1A Real Property Tax Credit for New Structures: A tax credit of five percent (5%) of the properly documented expenses of a new structure deemed by the Commission to be architecturally compatible within an historic district as designated by the Board of County Commissioners for St. Mary's County which may be spread over five (5) years.
 - 1.1B Real Property Tax Credit for Restoration and Preservation: A tax credit of ten percent (10%) of the properly documented expenses of the restoration and preservation of a structure located within an historic district as designated by the Board of County Commissioners for St. Mary's County and having architectural or historic value which may be spread over five (5) years.

SECTION 2. ELIGIBILITY AND PROCEDURES FOR APPROVAL OF REAL PROPERTY TAX CREDIT:

2.1 Eligibility:

2.1A Real Property Tax Credit: To qualify for a Section 9-204 real property tax credit, the real property shall be located within an historic district designated by the Board of County Commissioners for St. Mary's County. Additionally, the structure shall be designated by the Commission as eligible for a real property tax credit.

2.2 Procedures:

2.2A In addition to a standard application required by the Commission for work on real property in an historic district, the owner of property shall submit a real property tax credit application in the form approved by the Commission. The application shall be submitted to the Commission prior to the start of any preservation or restoration work for which a real property tax credit is sought.

2.2B The Commission shall review the application for completeness and make an initial determination of eligibility, after which the owner shall be advised as to whether the proposed work for which the real property tax credit is sought qualifies.

2.2C The owner shall submit to the Commission all receipts for work to be covered by the real property tax credit within ninety (90) days after completion of all eligible work. The receipt shall be submitted accompanied by the oath or affirmation of the owner that the receipts are true and correct. Only receipts for actual expenses on work preliminarily approved by the Commission shall be accepted.

2.2D Within the time required for two (2) consecutive regular meetings of the Commission, final action shall be taken on the application for real property tax credit eligibility. In the event of unusual circumstance requiring a longer response period, the Commission shall notify the owner in writing.

2.2E The amount approved by the Commission for real property tax credit shall be submitted to the Maryland Department of Assessments and Taxation (MDAT) in the form required by MDAT, so that the real property tax credit may be implemented for the following fiscal year.

2.2F Any tax credit authorized by this Ordinance shall be approved by the written resolution of the Commission and adopted by a majority of the Commission members at a duly convened meeting for that purpose. The Commission's resolution shall be certified as to its adoption by the Secretary and President of the Commission. The Commission's resolution shall include the type of tax credit approved.

2.2G The Commission shall forward the resolution and all documents regarding the nature, extent and cost of the eligible improvements to MDAT for its use in determining the amount of credit applicable pursuant to the formula set forth in Sections 9-204 of the *Tax-Property Article* of the Annotated Code of Maryland.

2.2H The Commission may adopt additional procedures to implement the intent of this Ordinance consistent with the provisions hereof, subject to prior approval by the Board of County Commissioners.

SECTION 3: GUIDELINES FOR APPROVAL

- 3.1 The real property tax credit shall be allowed only on such work as is approved by the Commission in accordance with the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings", as it exists at the time of the application, and the specific guidelines below.
- 3.2 To obtain the real property tax credit, work shall be supported by originals or copies of invoices. Each invoice shall identify the name of the contractor performing the work, the cost of materials used (if not included in the contractor's price), and the purpose of the work toward the restoration or preservation of the structure.
- 3.3 The value of owner-performed work shall not be accepted for consideration; however, the cost of materials used by the owner in his work may qualify.
- 3.4 Qualifying costs may include the following:
- 3.4A Architectural fees directly related to that portion of the project involving restoration and preservation of the historically districted structure.
- 3.4B Fees to determine structural soundness and historic authenticity, such as paint colors, building styles, etc.
- 3.4C Replacement or repair of:
- 3.4C(i) Building Structure – This includes all stairways and exterior walls including retaining walls. Wherever possible, a structural member should be supplemented or restored rather than replaced.
- 3.4C(ii) Roofs – Changes in the roof line shall be compatible with the time and date of the historic character of the structure, but an owner shall not be required to remove later additions and may include the cost of their restoration and preservation in applying for real property tax credit. To qualify roofing materials shall be generally compatible with the time and date of the structure, but the use of modern materials shall be considered by the Commission when justified for protection of the structure.
- 3.4C(iii) Floors – Costs shall be allowed only on floor work to the extent necessary to replace deteriorating materials, and such work shall be compatible with the existing floor materials.
- 3.4C(iv) Foundations – Wherever possible, foundations should be supplemented or restored rather than replaced. Any foundation to be approved shall be compatible with the historic character of the structure.
- 3.4C(v) Chimneys and Fireplaces - Wherever possible, chimneys or fireplaces should be supplemented or restored rather than replaced. To be approved replacement chimneys or fireplaces shall be compatible with the historic character of the structure.
- 3.4C(vi) Exterior Paint – Exterior colors shall be compatible with the time and date of the structure. The owners shall furnish evidence that the paint colors are original to the house or compatible with the time period.

3.4C(vii) Siding, Exterior Trim, Windows, Doors and Porches –
Wherever possible, any work on siding, exterior trim, windows, doors or porches should be to supplement or restore them rather than replace them. Any changes in siding, exterior trim, windows, doors or porches shall be compatible with the historic character of the structure. When supplemented or restored, windows and doors shall be compatible in outward appearance with the historic appearance of the structure and shall not damage existing door and window frames.

3.4D Materials.

3.5 The processing and approval of the application shall require an inspection of the work by a representative of the Commission.

3.6 No real property tax credit shall be given final approval by the Commission until work has been completed, documented and inspected by the Commission or its authorized representative. Only those costs approved by the Commission and incurred after the effective date of this ordinance shall be considered, unless a retroactive exception is granted under Section 5.

SECTION 4. CONSTRUCTION COSTS NOT ELIGIBLE

4.1 The following costs shall not be eligible for the real property tax credit:

4.1A The value of owner performed work.

4.1B Any work relating to building utility, including plumbing, electrical wiring, heating and air conditioning systems, etc.

4.1C Landscaping.

4.1D Interior painting and other interior decoration.

4.1E Installation, repair and/or maintenance to storm windows.

SECTION 5. RETROACTIVE EXCEPTION FOR NEW HISTORIC DISTRICTS

5.1 Where a new historic district is established by the Board of County commissioners, the Commission may accept and approve a real property tax credit application for restoration or preservation of existing structures having historic or architectural value, or construction of a new structure which is architecturally compatible with other structures within the historic district for up to one (1) year following the completion of all eligible work, provided all other requirements set forth above shall have been satisfied.

Those voting Aye: Randall, Anderson, Guazzo, Mattingly, Raley
Those voting Nay: _____
Those abstaining: _____

DATE OF ADOPTION: 4/11/00

EFFECTIVE DATE: 4/11/00

BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY, MARYLAND

Julie B. Randall
JULIE B. RANDALL, President

Joseph F. Anderson
JOSEPH F. ANDERSON, Commissioner

Shelby P. Guazzo
SHELBY P. GUAZZO, Commissioner

Thomas A. Mattingly
THOMAS A. MATTINGLY, Sr., Commissioner

Daniel H. Raley
DANIEL H. RALEY, Commissioner

ATTEST:

Alfred A. Lacer
ALFRED A. LACER
County Administrator

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Patrick B. Murphy
PATRICK B. MURPHY
Acting County Attorney

Ordinance No. Z-00-02
 Zoning Ordinance Amendment -
 Subject: Communication Towers

PURPOSE

FOR THE PURPOSE of amending the Zoning Ordinance in order to revise existing provisions and establish new provisions relating to construction of communication towers in St. Mary's County; to define specific types of communication towers subject to regulation under the Zoning Ordinance; to amend Table 2.4 of the Zoning Ordinance to make commercial communication tower uses subject to conditional use approval; to apply this amendment retroactively to all proposed towers not currently vested pursuant to St. Mary's County Zoning Ordinance.

RECORDING FEE 0.00
 TOTAL 0.00
 Restored Report
 E44 NB BIK#25
 Mar 01, 2000 10:37 am

ORDINANCE

WHEREAS, under the provisions of Article 66B of the Annotated Code of Maryland, the Board of County Commissioners for St. Mary's County, Maryland, (the "County Commissioners") is empowered to adopt, revise and amend the St. Mary's County Zoning Ordinance (the Zoning Ordinance); and

WHEREAS, the current St. Mary's County Zoning Ordinance does not fully provide for the orderly planning and development of communication towers in St. Mary's County necessary to minimize adverse visual impacts, reduce the potential for damage to properties adjoining communication tower sites, and minimize other negative impacts from the construction and proliferation of tower structures by promoting co-location of future uses and other measures; and

WHEREAS, the Board of County Commissioners for St. Mary's County has directed that public safety communication towers be constructed to support the County's emergency communications system; and

WHEREAS, the promotion of co-location of commercial uses on the public safety communication towers will serve to minimize the cost to the public for construction and operation of those towers; and

WHEREAS, the minimization of the number of communication towers is a recognized local zoning concern and co-location of equipment on communication towers by all service providers rationally furthers a legitimate county purpose; and

WHEREAS, the Board of County Commissioners for St. Mary's County has determined it to be in the public interest of the residents of St. Mary's County to establish procedures and to amend the text of the Zoning Ordinance to address procedures the St. Mary's County Board of Zoning Appeals shall follow in determining the need for and the location of any proposed commercial communication tower, and to ensure that such location will not interfere with the County's emergency communications system; and

WHEREAS, Article V, Section 53.10 of the Zoning Ordinance is repealed in its entirety and replaced by this new Article V, Section 53.10; and

WHEREAS, Article VIII, Section 80.2, is revised to include a new definition for "COMMUNICATION TOWER"; and

WHEREAS, this amendment is to be applied retroactively to all communication towers or proposed communication towers that are not vested under the current Zoning Ordinance in effect the date the Amendment is adopted; and

WHEREAS, Table 2.4 – Table of Uses of the Zoning Ordinance is amended to require conditional use approval for commercial communication towers; and

WHEREAS, pursuant to Article 66B §4.04, a public hearing was held on April 4, 2000, pursuant to NOTICE published on or about March 17, 2000 and March 24, 2000, in The Enterprise, a newspaper of general circulation; and

WHEREAS, after deliberation, study and public hearing, the Board of County Commissioners for St. Mary's County, Maryland has determined that it is in the best interests of the public in order to secure the health, safety and general welfare for present and future residents of St. Mary's County and in order to achieve the purposes set forth in Article 66B of the Annotated Code of Maryland as amended, as delineated above, to adopt and approve a Zoning Ordinance amendment regarding communication towers.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners for St. Mary's County, Maryland, that:

SECTION 1. The St. Mary's County Zoning Ordinance heretofore adopted and currently in effect shall be and the same is hereby amended as follows –

A. Article II, Table 2.4 – TABLE OF USES, IV. TRANSPORTATION, COMMUNICATION AND UTILITIES, is amended to require conditional use approval by the Board of Zoning Appeals for construction of a commercial communication tower in any applicable authorized district. The table is further amended to address all types of communication towers defined in the Zoning Ordinance (Commercial, Public Safety and Non-Commercial Communication Towers).

B. Article VIII, Section 80.2, DEFINITIONS, is revised as follows: Delete existing definition of "COMMUNICATION TOWER" and replace it in its entirety with the new definition as follows:

"COMMUNICATION TOWER is any structure constructed for the primary purpose of supporting installed antennae, dishes or other devices used for uplink, downlink, relay, broadcast or receipt of radio, television or other communication signals.

COMMERCIAL COMMUNICATION TOWER means any tower supporting commercial uses or any non-commercial tower at least 100 feet above ground level.

PUBLIC SAFETY COMMUNICATION TOWER means any tower, of any height, designated by the Board of County Commissioners for St. Mary's County, Maryland, as a host site for County-owned and operated emergency communications equipment, which may also include co-located commercial uses, and which may be a permitted use in any zoning district, as specified in Article II, Table 2.4 of the Zoning Ordinance.

NON-COMMERCIAL COMMUNICATION TOWER means any tower that does not serve a commercial or public safety use and does not exceed 100 feet in height above ground level, and which may be a permitted use in any zoning district, as specified in Article II, Table 2.4 of the Zoning Ordinance."

C. Article V, Section 53.10, COMMUNICATION TOWERS, is repealed in its entirety and reenacted to read as hereafter set forth:

53.10 COMMUNICATION TOWERS

1. In balancing the interests of County residents, tower contractors, telecommunications providers and telecommunications customers, and for the general health, safety and welfare of the public, these regulations are intended to:

- a. Provide for the appropriate location and development of communication towers by maximizing the use of any new and existing towers, minimizing the need for new towers, encouraging the use of alternative tower structures or tower sites, and minimizing the number of towers in the County. (Note: The term "existing towers" includes towers already constructed and in use, as well as towers submitted to the St. Mary's County Department of Planning and Zoning for review and approval). The Department of Planning and Zoning will continuously maintain a list of existing towers, including owner points of contact, and shall make this list available to all new tower applicants; and
- b. Avoid potential damage to adjacent properties from tower or antennae failure through engineering and careful siting of tower structures and antennae; and
- c. Minimize the adverse visual impacts of communication towers through careful siting, design, screening and camouflaging; and
- d. To ensure that proposed siting and development of communication towers is done in a reasonable manner, not to the detriment of the zone in which it is located, and is not contrary to the intent of the comprehensive plan.

2. GENERAL REQUIREMENTS

- a. All communication towers, structures and equipment shall meet or exceed current standards and regulations of the FAA and the FCC. Pursuant to Federal Communications Commission Regulations 1.1301-1.1319, as amended from time to time, communication towers shall be subject to the provisions of the National Environmental Policy Act (NEPA).
- b. Approval of proposals for tower construction shall be subject to satisfactory completion of an Aeronautical Study. Applicants shall file a Notice of Proposed Construction or Alteration, FAA Form #7460-1 (as amended from time to time) with the Federal Aviation Administration as required by the FAA or applicable Federal law, and forward copies of the form and any FAA response received, via first class mail, postage pre-paid, to:
 - St. Mary's County Department of Planning and Zoning,
P.O. Box 653,
Leonardtown, MD 20650,
 - Captain Walter Francis Duke Regional Airport at St. Mary's
Attn: Airport Manager
44200 Airport Road
California, MD 20619

- Department of the Navy,
Commanding Officer
Naval Air Station,
22268 Cedar Point Road, Unit NASAD,
Patuxent River, MD, 20670-1154.

- c. To the extent permitted by law, no tower or equipment or antennae attached thereto shall cause localized interference with reception of television and radio broadcasts, nor shall any tower or equipment or antennae attached thereto interfere with existing lines of communication used for public safety purposes.

3. COMMERCIAL COMMUNICATION TOWERS

- a. Shall in all cases require conditional use approval by the Board of Zoning Appeals. Article II, Table 2.4 – TABLE OF USES addresses applicability to established zoning districts.
- b. The application submitted by the applicant to the Board of Zoning Appeals, for a commercial communication tower, shall satisfactorily address the requirements of conditional use applications as defined by the zoning ordinance for any conditional use whatsoever, as amended from time to time, and shall in addition include the following:
- (1) A system design plan that shall include, at a minimum, radio frequency parameters, tower height, number and location of antennae on the tower, radio frequency output, effective radiated power and azimuth antenna type;
 - (2) Signal coverage/propagation map of the area to be served by the proposed tower;
 - (3) Signal coverage/propagation map showing coverage area available under existing towers, proposed towers already submitted for review and approval, and antennae/equipment installed on other structures (water towers, buildings, etc.); and
 - (4) Evaluation of the tower's relationship to other antenna sites, existing buildings taller than 50 feet, communication towers and water tanks within a one-mile radius of the proposed tower;
 - (5) A detailed engineering analysis of the proposed new tower, including a summary of the proposed tower's capacity to provide space for future co-location by others;
 - (6) Federal Communication Commission review, evaluation and approval under the National Environmental Policy Act of 1969, applicable Federal Communication Commission Regulations and Standards through the Office of Engineering and Technology as required by Federal law;
 - (7) Identify with specificity the type of tower to be constructed and the proposed materials to be used in the construction of the tower;
 - (8) The design of the proposed tower shall be sealed by a licensed engineer licensed to practice in the State of Maryland;
 - (9) Identification of all noise, odor and other potential nuisance producing facilities, appurtenances and/or outbuildings, or the like, that are associated with the proposed use;

- (10) Identification of the maximum number of antennae that can be safely placed upon the tower;
 - (11) An elevation drawing, depicting the tower at its proposed height, with all planned antennae/equipment shown; and
 - (12) A visual impact study, including photo-simulations, demonstrating that a proposed tower shall not unreasonably interfere with the view of, or from, sites of significant public interest such as a public park, a State or County designated scenic road or river, a structure on the historic sites survey or a historic district, located within one (1) mile of the proposed tower site. The Board of Zoning Appeals may require the applicant to conduct balloon tests and to submit additional photo-simulations documenting the visual impact the proposed tower may have on surrounding sites.
- c. The applicant for a new commercial communications tower shall demonstrate to the Board of Zoning Appeals that co-location on existing commercial towers, public safety towers, or other appropriate structures is not feasible. Feasibility shall be demonstrated by an analysis and explanation prepared by the applicant which identifies any reasonable, technically feasible, alternative locations and/or facilities which would provide the proposed communication service and a structural analysis indicating that no existing or proposed tower can be structurally modified to meet the applicant's needs. Replacement of an existing approved tower with a new tower on the same site shall be an alternative addressed in the analysis.

The intention of the alternatives analysis is to present alternative strategies which would minimize the number, size and adverse environmental and public safety impacts of facilities necessary to provide the needed services to the County. The analysis shall address the potential for co-location at an existing or a new site and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. Physical constraints may be considered, but will not be determinative. Approval of the project is subject to the Board of Zoning Appeals making a finding that the proposed site results in fewer or less severe impacts than any feasible alternative site.

- d. Co-location is not deemed possible if the Board of Zoning Appeals finds that:
- (1) Planned equipment would exceed the structural capacity of existing and approved towers or towers proposed to be constructed, considering existing and planned use of those towers, and such towers cannot be structurally modified or reinforced to accommodate planned or equivalent equipment. In the case of existing towers owned by the applicant, the applicant shall have demonstrated to the Board of Zoning Appeals that a new (replacement) tower cannot be constructed on the existing approved site to satisfy its new requirements;
 - (2) Planned equipment will cause interference with other existing or planned equipment for the tower, and the interference cannot be prevented;
 - (3) Existing, approved towers, or towers proposed to be constructed do not have space on which planned equipment can be placed so as to function effectively; or

- (4) Existing, approved towers, or towers proposed to be constructed, will not provide significant signal coverage sought by the applicant.
- e. The tower shall be constructed so as to provide adequate capacity for future co-location of other commercial and/or government operated antennae, unless the applicant demonstrates why such design is not physically feasible. The system design plan shall delineate areas near the base of the tower to be used for the placement of additional equipment buildings for other users.
 - f. No signals, lights or illumination shall be permitted on the tower unless required by the Federal Communications Commission, the Federal Aviation Administration or the County.
 - g. No commercial advertising or other signage shall be permitted on the tower.
 - h. All obsolete or unused facilities, including buildings, towers, and all other improvements associated with the tower, shall automatically be deemed abandoned upon twenty-four (24) months of continuous cessation of operations and shall be removed at such time without cost to the County.
 - i. Towers shall be constructed at the minimum height required to obtain significant signal coverage. Towers exceeding a height of 199 feet above existing grade shall require detailed engineering justification, documenting the basis for determining that a taller structure is required. Towers exceeding 199 feet above existing grade may also be justified by demonstrating that the existence of previously approved tower(s) in the vicinity of the proposed site serves to mitigate visual impacts, or that a single (taller) tower will reduce adverse visual impact by replacing multiple existing towers.
 - j. The site shall be of sufficient size to accommodate the tower and all related structures, equipment and appurtenances (whether above or below ground), and of a size sufficient to meet Health Department standards if water and sanitary facilities are provided. The site plan shall depict the tower site, the location of all structures, equipment and appurtenances to be installed with the tower (whether located above or below ground); all adjoining properties; means of ingress/egress; and all required setback lines.
 - k. In addition to any setbacks otherwise required by the Zoning Ordinance, towers shall require a setback distance of seventy (70) percent of the height of the tower from any residence, historic site, building or other facility not associated with the tower site. If the setback is to be on an adjoining property, a notarized statement of agreement or an easement must be obtained from the adjoining property owner. The purpose of the setback is to protect adjoining properties from harmful effects or potential damage which may occur in the event of a tower collapse.
 - l. The tower site shall be buffered from adjoining properties with at least a B buffer per Appendix 3.
 - m. No commercial communication tower shall be constructed within the one thousand foot (1000') Critical Area, which is defined in the St. Mary's County Comprehensive Plan.

4. PUBLIC SAFETY COMMUNICATION TOWERS

- a. Minimum site size, setbacks and buffers shall be identical to those required for commercial communication towers;
- b. Shall be considered a permitted use in any zoning district as listed in Article II, Table 2.4 of the Zoning Ordinance.

5. NON-COMMERCIAL COMMUNICATION TOWERS

- a. The normal lot setbacks for each district shall apply and may be reduced pursuant to Section 40.04, where applicable.
- b. Shall be considered a permitted use in any zoning district as listed in Article II, Table 2.4 of the Zoning Ordinance.

SECTION 2. BE IT FURTHER ORDAINED, that should any section subsection, paragraph, clause or phrase of this Ordinance be declared invalid for any reason whatsoever, such decision shall not effect the remaining portions of this Ordinance which shall remain in full force and effect.

SECTION 3. BE IT FURTHER ORDAINED, that in the event any portion of this Ordinance is found to be unconstitutional, illegal, null or void, by a court of competent jurisdiction, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Ordinance shall be enforceable and valid, unless deletion of the invalid portion would defeat the clear purpose of the Ordinance, or unless deletion of the invalid portion would produce a result inconsistent with the purpose and intent of the Board of County Commissioners in enacting this Ordinance.

SECTION 4. This Ordinance shall have retroactive effect, effective the date of adoption.

Those voting aye: RANDALL, ANDERSON, GUAZZO, MATTINGLY, RALEY


Those voting nay: _____

Those abstaining or absent: _____

Approval Date: 4-25-00

Effective Date: 4-25-00

ATTEST:



 Alfred A. Lacer,
 County Administrator

BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY, MARYLAND

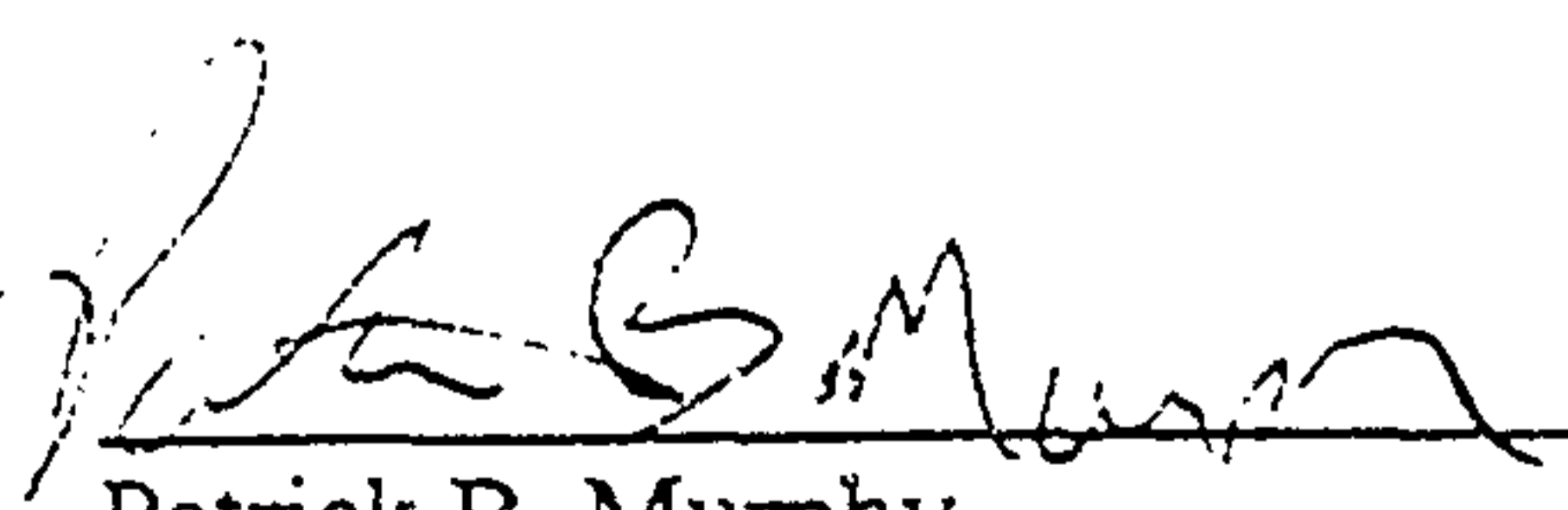


 JULIE B. RANDALL, President



 JOSEPH F. ANDERSON, Commissioner

APPROVED AS TO FORM AND SUFFICIENCY:




 Patrick B. Murphy,
 Acting County Attorney



 SHELBY P. GUAZZO, Commissioner



 THOMAS A. MATTINGLY, Commissioner



 DANIEL H. RALEY, Commissioner

TABLE 2.4 - TABLE OF USES

IV. TRANSPORTATION, COMMUNICATION AND UTILITIES ⁵

	A	RPD	RNC ⁴	RVC	RTC	RL	RH	CL	CVC	C	CM	I
Airports, Heliports, Landing Strips	CUS ¹	CUS ¹	-	-	-	-	-	-	-	-	-	P5
Boathouses ²	-	CUS ²	-	CUS ²	CUS ²	CUS ²	-	-	-	-	-	-
Boat Storage Facilities	-	-	-	-	-	-	-	-	-	-	P5	P5 ³
Boatels	-	-	-	-	-	-	-	-	-	-	CUS	-
*Communication Towers - Commercial	CUS	CUS	-	CUS	CUS	CUS	CUS	-	CUS	CUS	-	CUS
*Communication Towers - Public Safety	P5	P5	-	P5	P5	P5	P5	-	P5	P5	-	P5
*Communication Towers - Non-Commercial	P5	P5	P5	P5	P5	P5	P5	-	P5	P5	-	P5
Electric Transmission Lines	P5	P5	P5	P5	P5	P5	P5	P5	P5	P5	P5	P5
Industrial Piers and Docks	-	-	-	-	-	-	-	-	-	-	-	P5
Mobile Lifts and Boat Hauling Equipment	-	-	-	-	-	-	-	-	-	-	P5	-
Motor Freight Terminals	-	-	-	-	-	-	-	-	-	-	-	P5
Publicly Owned Utilities, Buildings and Structures, Including Public Water Supply and Sewerage Systems	P	P	-	P	P	P	P	-	P5	P5	-	-
Recycling Center	-	-	-	-	-	-	-	-	-	-	-	P5
Sanitary Landfills	CUS	CUS	-	-	-	-	-	-	-	-	-	-
Telephone Transmission Lines	P	P	-	P	P	P	P	-	-	-	-	-
Waste Disposal Services	-	-	-	-	-	-	-	-	-	-	-	P5

¹ Private only

² Not allowed unless property is zoned with IDA Critical Area Overlay classification and pier was existing on 12/1/85 per Natural Resources Article (Section 8-1808.4 of Annotated Code of Maryland)

³ Provided that all Storage is Located a Minimum of 200 Feet from any Residential Zoning District

⁴ Conversion of a residential structure to a nonresidential use, or the construction of a new structure for a nonresidential purpose may be permitted by the Board of Appeals upon finding that 1) similar nonresidential uses are present in the affected neighborhood and 2) the proposed nonresidential activity will not adversely impact nor alter the character of the neighborhood.

⁵ Any nonconforming use legally established prior to the effective date of the ORDINANCE shall not be deemed a nonconforming use, but, without further action, shall be considered a conforming conditional use. The expansion of intensification of any such use shall be subject to approval by the Board of Appeals following a public hearing and subject to the standards under 66.03.11.b.

* Amended 4/18/00

P	=	Permitted Use
P5	=	Permitted, Subject to Meeting Article 5 Standards
CUS	=	Conditional Use Requiring Board of Appeals Approval
-	=	Not Permitted

SUBJECT: PROPERTY DISPOSITION

RESOLUTION

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland is authorized to sell, at public or private sale, any property no longer needed for a public use pursuant to Article 25, Section 11A(b)(3-1)(i) of the Annotated Code of Maryland; and

WHEREAS, the Board of County Commissioners has determined that the property described as 1,736 square feet and 1,828 square feet, respectively, (collectively the "property"), as shown on a Plat attached hereto as Exhibit A, Vacation of Old Hewitt Road by the Board of County Commissioners for St. Mary's County, Maryland, as prepared by Mudd Engineering is no longer needed for a public use; and

RECORDING FEE 0.00

WHEREAS, the Board of County Commissioners has determined that disposition of the property described herein shall be via private sale; and

TOTAL 0.00

WHEREAS, as required by Article 25, Section 3(r) and Section 11A(b)(3-1)(ii) of the Annotated Code of Maryland, a public hearing was held on October 26, 1999, notice of which was published in a newspaper of general circulation on October 6 and October 13, 1999.

WHEREAS, Boundary Line Adjustment Plats and Deeds of Conveyance will be prepared and recorded simultaneously to incorporate and merge the above property into the respective Manchak and National Mobile Home Sales existing parcels as approved by the County Attorney.

WHEREAS, the property will be designated as a utility easement and shown as such on the Boundary Line Adjustment Plat.

WHEREAS, in an effort to control access in accordance with the State Highway Administration request, access to the Manchak property shall be limited to the existing entrance onto Md. Route 235. Access to the National Mobile Home Sales property shall be limited to Buck Hewitt Road. If the owners of the Manchak property and the National Mobile Home Sales property mutually agree in the future to construct a joint entrance onto Md. Route 235, the owners of the Manchak property will abandon the existing entrance onto Md. Route 235 and the owners of the National Mobile Home Sales Property shall have access via the joint entrance onto Md. Route 235 and an entrance onto Buck Hewitt Road. Appropriate agreements shall be executed by the property owners as approved by County representatives to confirm this condition.

WHEREAS, the Board of County Commissioners will be compensated at the monetary rate of fifty cents (\$0.50) per square foot for the subject property.


NOW, THEREFORE, be it resolved by the Board of County Commissioners for St. Mary's County, that Julie B. Randall, Commission President, is hereby authorized to execute such documents necessary to sell/transfer the property described herein on terms and conditions as stated above, which terms and conditions shall be appropriately incorporated into transactional documents.

Date of Adoption: 4-25-00

Ayes: Randall, Anderson, Guazzo, Mattingly, Raley

Effective Date: 4-25-00

Nays:
Abstain:

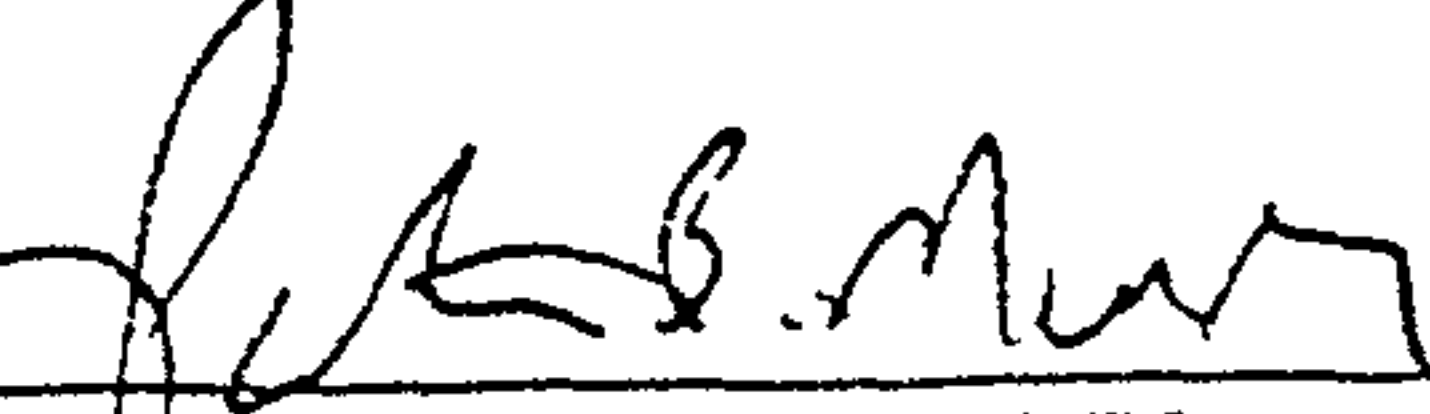
ATTEST:

ALFRED A. LACER
County Administrator


BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY, MARYLAND


JULIE B. RANDALL, President


APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


JOSEPH F. ANDERSON, Commissioner


PATRICK B. MURPHY
Acting County Attorney


SHELBY P. GUAZZO, Commissioner


THOMAS A. MATTINGLY, St. Commissioner


DANIEL H. RALEY, Commissioner

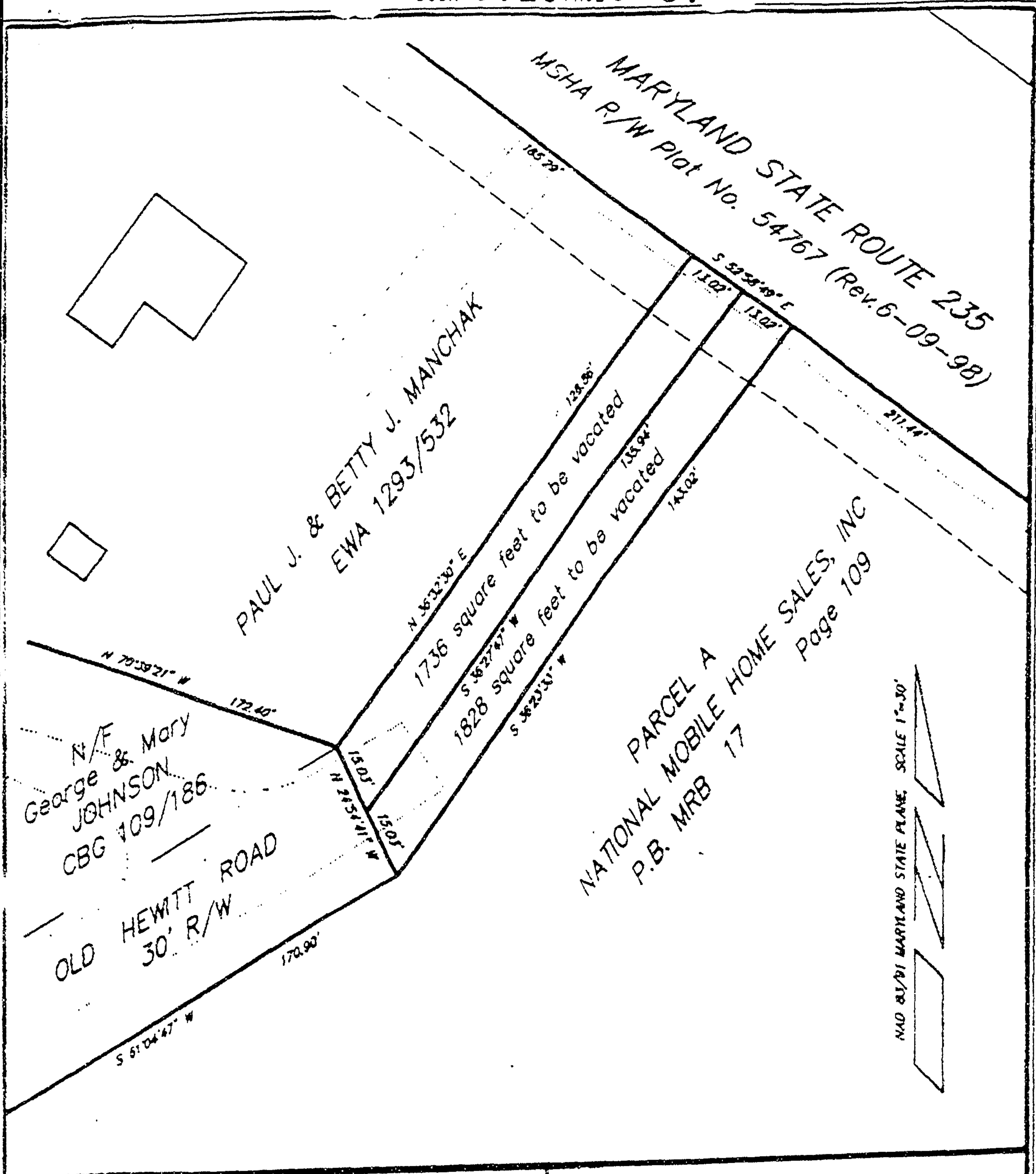


EXHIBIT A
 VACATION OF OLD HEWITT ROAD BY THE
 BOARD OF
 COUNTY COMMISSIONERS FOR
 ST. MARY'S COUNTY, MARYLAND
 8th Election District, St. Mary's County, Maryland

MUDD ENGINEERING
 21803 Three Notch Road
 Lexington Park, Maryland
 Phone (301) 862-5282
 Fax (301) 862-1841

ORDINANCE

RECORDING FEE 0.00
TOTAL 0.00

WHEREAS, Application No. CDSP 98-2120 was filed with the Department of Planning & Zoning by KAAV, LLC on July 31, 1998; and

RECORDING FEE 0.00
TOTAL 0.00

WHEREAS, said application requests approval of 31.64 acres of the County's growth allocation, under the design competition category, to change the Critical Area Overlay Zone from LDA (Limited Development Area) to IDA (Intense Development Area) to accommodate Tudor Hall Village, a Mixed-Use PUD located entirely within the corporate limits of Leonardtown on Tax Map 133, Block 9, Parcel 228; and

WHEREAS, the growth allocation request was submitted at the suggestion of the Critical Area Commission, in accordance with Section 38.2.17.b of the St. Mary's County Zoning Ordinance; and

Nov 25, 2000 09:47 AM

WHEREAS, Section 38.2.17.b allows projects within the corporate limits of Leonardtown to apply for portions of the St. Mary's County growth allocation and be considered through the annual growth allocation application approval process; and

WHEREAS, the Town of Leonardtown's entire growth allocation allotment of four (4) acres has been dedicated for the hotel and conference center portion of this PUD, if the County's growth allocation is approved; and

WHEREAS, the Town's growth allocation allotment of (four) 4 acres to the hotel and conference center was approved by the Critical Area Commission as a "refinement" to the Leonardtown Critical Area Program on November 4, 1998; and

WHEREAS, due notice having been given, the St. Mary's County Planning Commission conducted a public hearing on the county growth allocation request on November 23, 1998; and

WHEREAS, the St. Mary's County Planning Commission, by unanimous vote on December 14, 1998, recommended approval of the growth allocation request to the Board of County Commissioners; and

WHEREAS, due notice having being given, the Board of County Commissioners conducted a public hearing on the growth allocation request on February 23, 1999; and

WHEREAS, the request of KAAV, LLC of a portion of the County's growth allocation for development of Tudor Hall village was based on certain assumptions regarding the scope and nature of Tudor Hall Village; and

WHEREAS, the Board of County Commissioners approved 31.64 acres of growth allocation for Tudor Hall Village, with conditions on March 9, 1999; and

WHEREAS, the Critical Area Commission approved the growth allocation request on October 13, 1999; and

WHEREAS, circumstances relating to the conditions of the Board of County Commissioners approval have changed, including the financing of the public portions and revenue split between the Town and County; and

WHEREAS, because of these changes, the conditions precedent in Ordinance Z99-01 are no longer relevant or necessary in that no County funding is anticipated; and

WHEREAS, the Board of County Commissioners desires to enact growth allocation approval for Tudor Hall Village; and

BOOK 0016 PAGE 0039

WHEREAS, Ordinance Z99-01 expired on April 13, 2000, without further action of the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners held a public hearing on the revision of Ordinance No. Z99-01 on April 11, 2000 after due and appropriate notice was advertised in The Enterprise, a newspaper of general circulation, on March 24, 2000 and March 31, 2000 for at least two successive weeks; and

WHEREAS, public input and testimony was received recommending approval of said ordinance; and

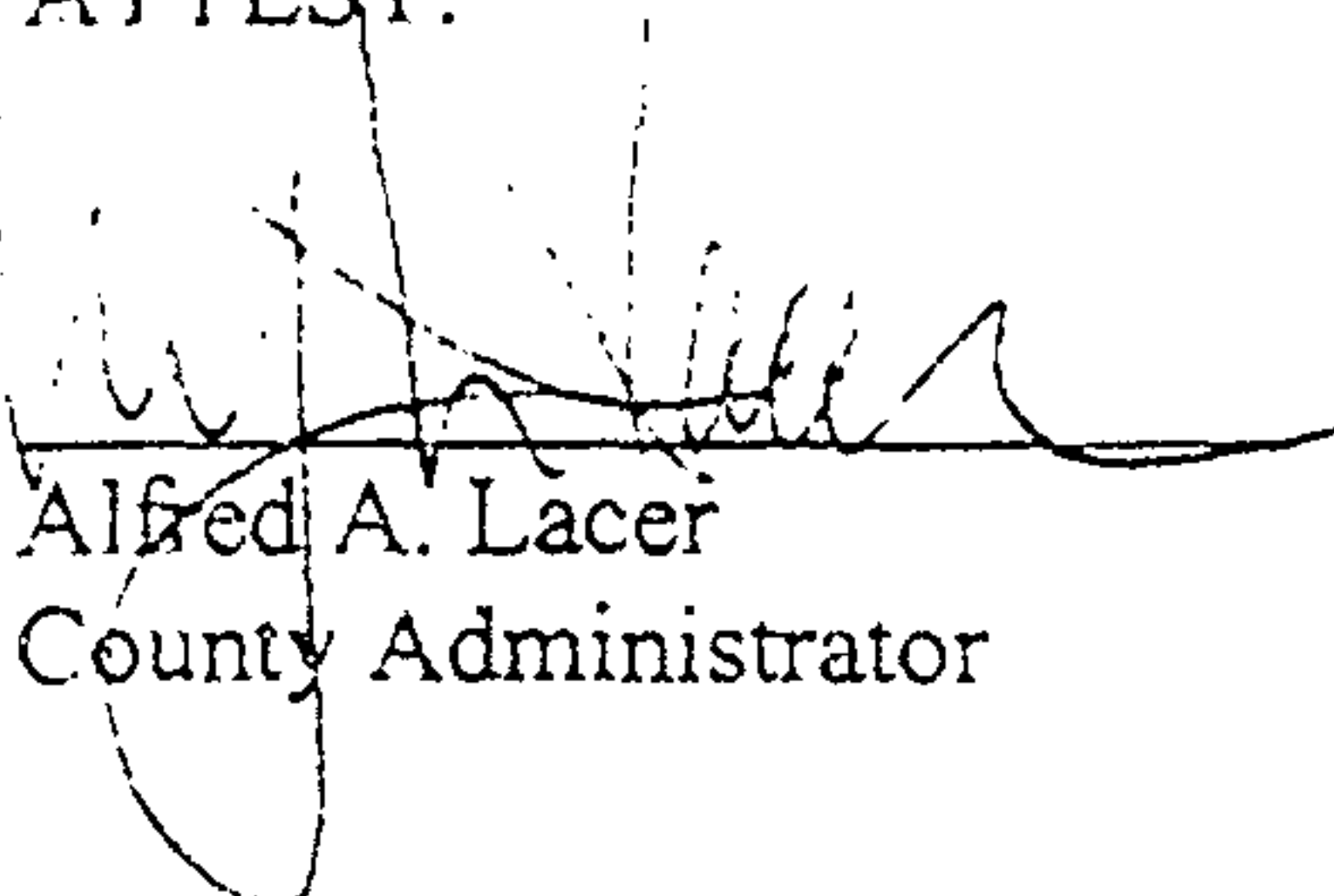
NOW, THEREFORE, BE IT ORDAINED, BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND (THE "COUNTY"), that:

1. Use of 31.64 acres of the County's growth allocation for Tudor Hall Village is hereby approved pursuant to Section 38.2.17.b of the St. Mary's County Zoning Ordinance, subject to satisfaction of the conditions precedent set forth below.
2. The approval set forth in this Ordinance is based upon Tudor Hall Village having the following characteristics: Tudor Hall Village will be located on an approximate 390-acre parcel of land located in Leonardtown, Maryland, and will consist of (a) a resort hotel having approximately 255 guest rooms/suites, (b) a conference center containing approximately 25,000 square feet of meeting space, and (c) an 18-hole golf course and club house (clauses (a), (b) and (c) are collectively referred to as the "Public Portion"), and (d) a residential community consisting of approximately 593 residences, together with related commercial and retail space (clause (d) is referred to as the "Private Portion") as shown on Attachment A; Drawing # THCP17 dated May 11, 1998 as incorporated herein by reference, and as also shown on the "IDA Growth Allocation Plan" drawing #95010IDA, stamped "Received October 28, 1998", which is on file at the Department of Planning and Zoning.
3. The satisfaction of the conditions 1 and 2 above set forth in this Ordinance shall be determined by the County in its sole discretion.

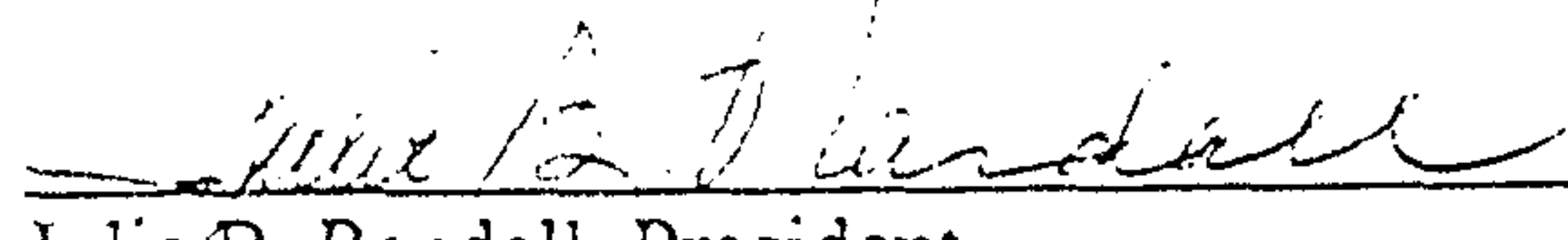
DATE OF ADOPTION: 5/2/00

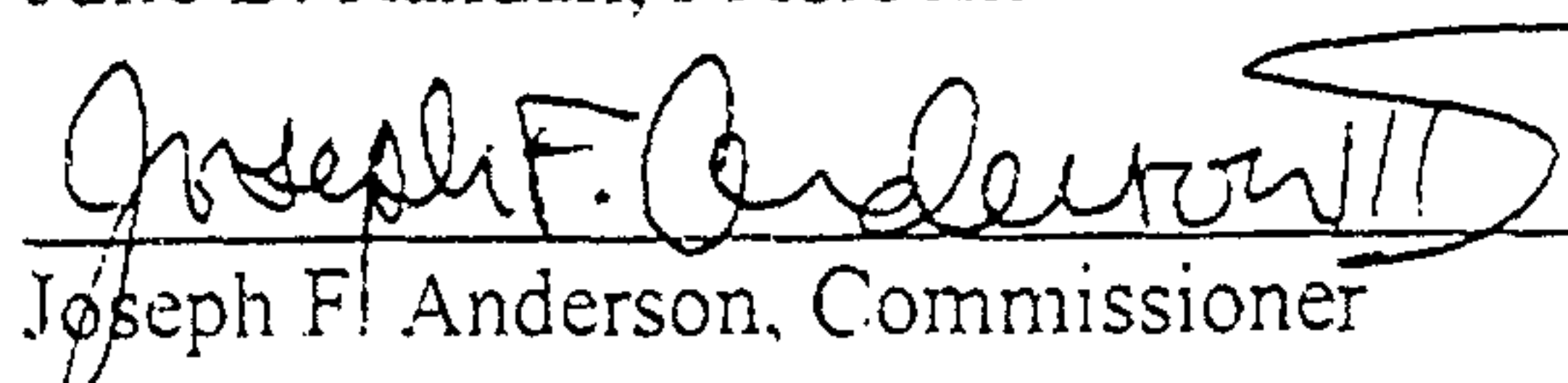
EFFECTIVE DATE: 5/2/00

ATTEST:


Alfred A. Lacer
County Administrator

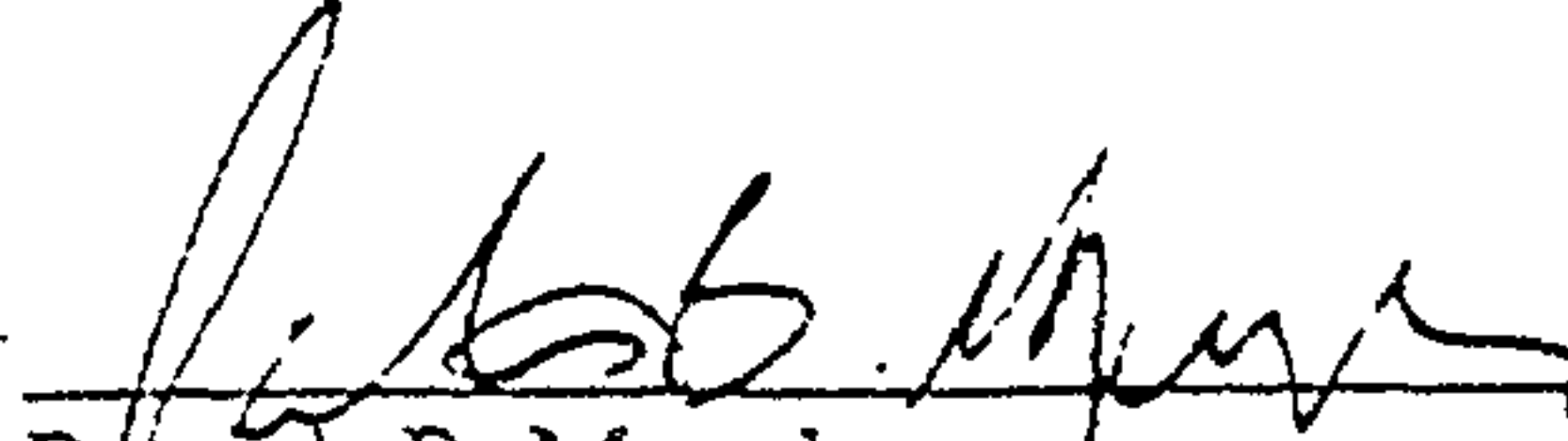
BOARD OF COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY, MARYLAND



Julie B. Randall, President


Joseph F. Anderson, Commissioner


Shelby P. Guazzo, Commissioner

Approved as to Legal Sufficiency:


Patrick P. Murphy
Acting County Attorney


Thomas A. Mattingly, Sr., Commissioner


Daniel H. Raley, Commissioner

ORDINANCE NO. 2000-15

PROPERTY TAX ORDINANCE

WHEREAS, Tax-Property Article of the Annotated Code of Maryland, Sections 6-202, 6-204, 6-302, 6-306 and 6-308 and the Code of Public Local Laws of Maryland, Article 19 (St. Mary's County), Chapter 27-7(C), authorizes and empowers the Board of County Commissioners for St. Mary's County to levy a property tax rate for each fiscal year; and

WHEREAS, Tax-Property Article of the Annotated Code of Maryland, Section 6-308 limits that property tax rate to the constant yield rate absent notice and a public hearing; and

WHEREAS, by the authority of the Board of County Commissioners for St. Mary's County, notice of a public hearing was published in The Enterprise, a newspaper of general circulation in St. Mary's County, on April 5, 2000 and April 12, 2000 in accordance with the statutory provisions of Section 6-308 of the Tax-Property Article of the Annotated Code of Maryland; and

WHEREAS, the Board of County Commissioners for St. Mary's County held a public hearing, as advertised and in accordance with the statutory provisions of Section 6-308 of the Tax-Property Article of the Annotated Code of Maryland, on April 25, 2000, at the close of which, the Board of County Commissioners for St. Mary's County announced that a decision regarding this matter would be made at the May 23, 2000 regular meeting of the Board of County Commissioners for St. Mary's County at Room 14 of the Governmental Center, 23115 Leonard Hall Drive, Leonardtown, Maryland; and

WHEREAS, by said authority, the Board of County Commissioners for St. Mary's County may set a property tax rate greater than the constant yield rate for fiscal year 2001; and

WHEREAS, the Board of County Commissioners for St. Mary's County has carefully reviewed the expert analysis of this situation, the recommendations of the County Departments and the comments and concerns of the public; and

WHEREAS, the Maryland Department of Assessments and Taxation has approved a service charge of 1.8% of the amount of tax due at the second installment to cover lost interest income and administrative expenses associated with the semiannual payment for a property owner electing to pay real property taxes under a semiannual payment schedule pursuant to Section 10-204.3 of the Tax-Property Article of the Annotated Code of Maryland;

NOW, THEREFORE, BE IT ORDAINED, By the Board of County Commissioners for St. Mary's County, Maryland, that the following property tax rate is enacted for St. Mary's County for fiscal year 2001:

Two and Twenty-seven Hundredths Dollars, (\$2.27), per One Hundred Dollars, (\$100.00), of assessed valuation; and a service charge, applicable only to those choosing to take advantage of the optional semiannual payment schedule for State, County and special taxing district property taxes due on owner-occupied residential property, is hereby established at 1.8% of the amount of tax due at the second installment;

AND IT IS FURTHER ORDAINED, that this Ordinance shall take effect July 1, 2000.

Those voting Aye: Commissioners Randall, Anderson, Mattingly

Those voting Nay: Commissioners Guazzo, Raley

Those Absent: _____

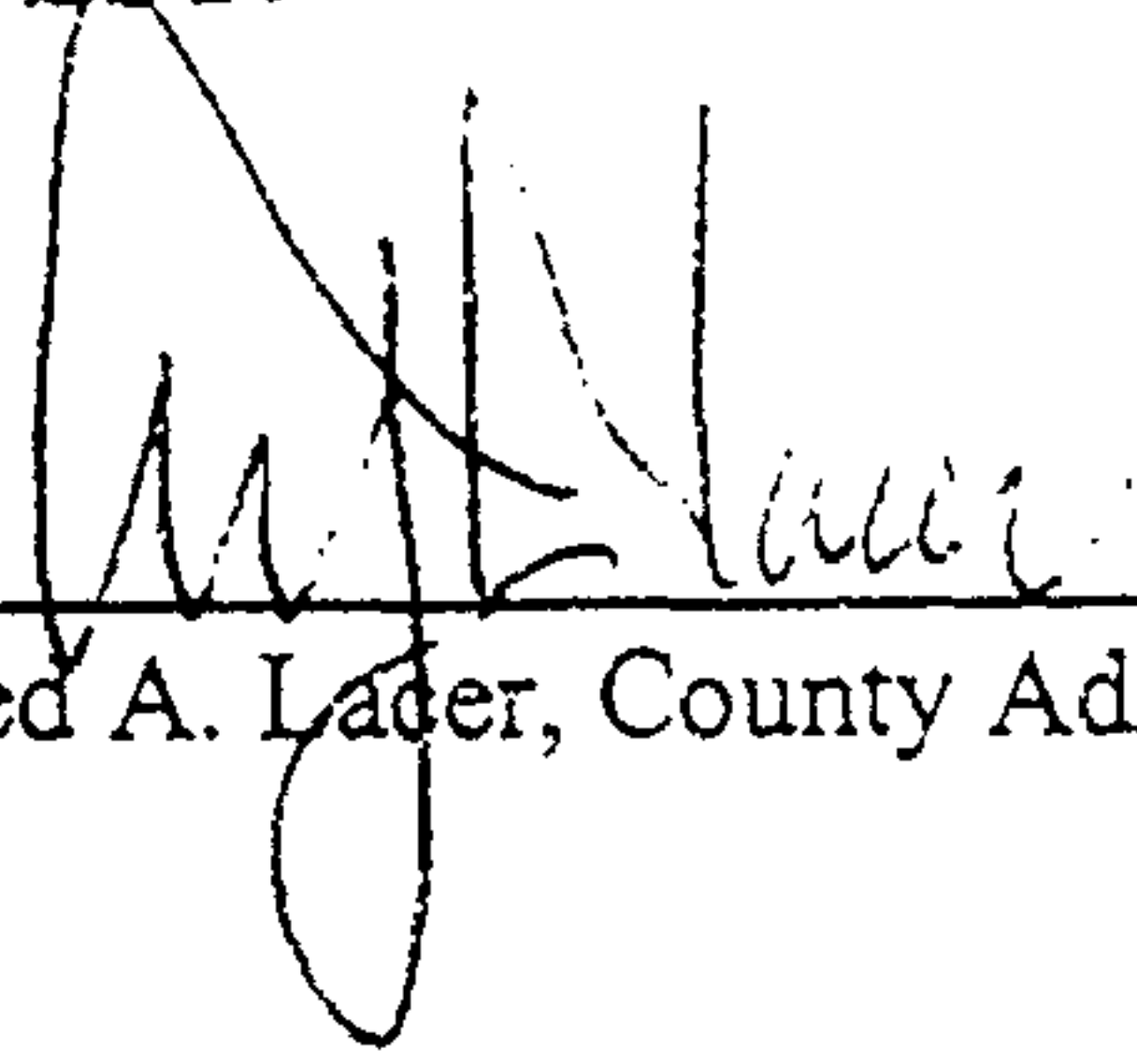
ADOPTED: May 23, 2000

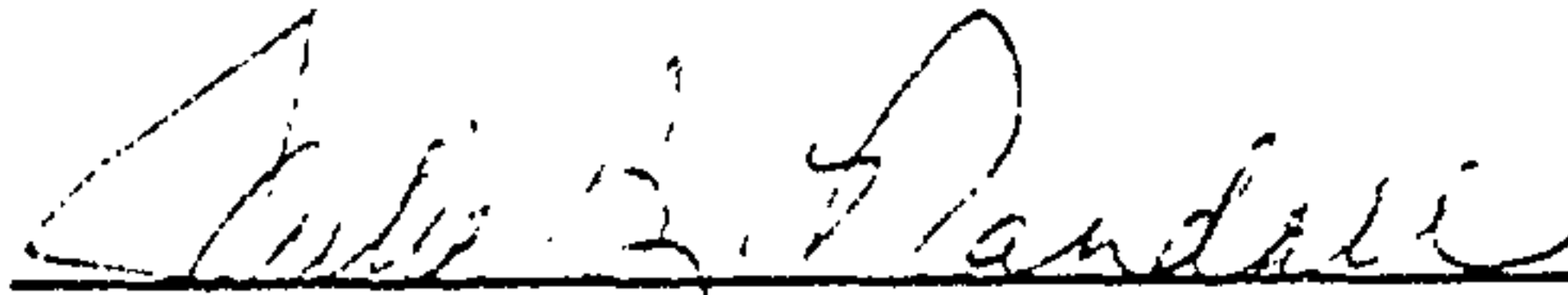
EFFECTIVE DATE: July 1, 2000


RECORDING FEE 0.00
 TOTAL 0.00
 Rest#23 Rec#999999
 EWA NB BK#2341
 May 30, 2000 10:45 am

ATTEST:

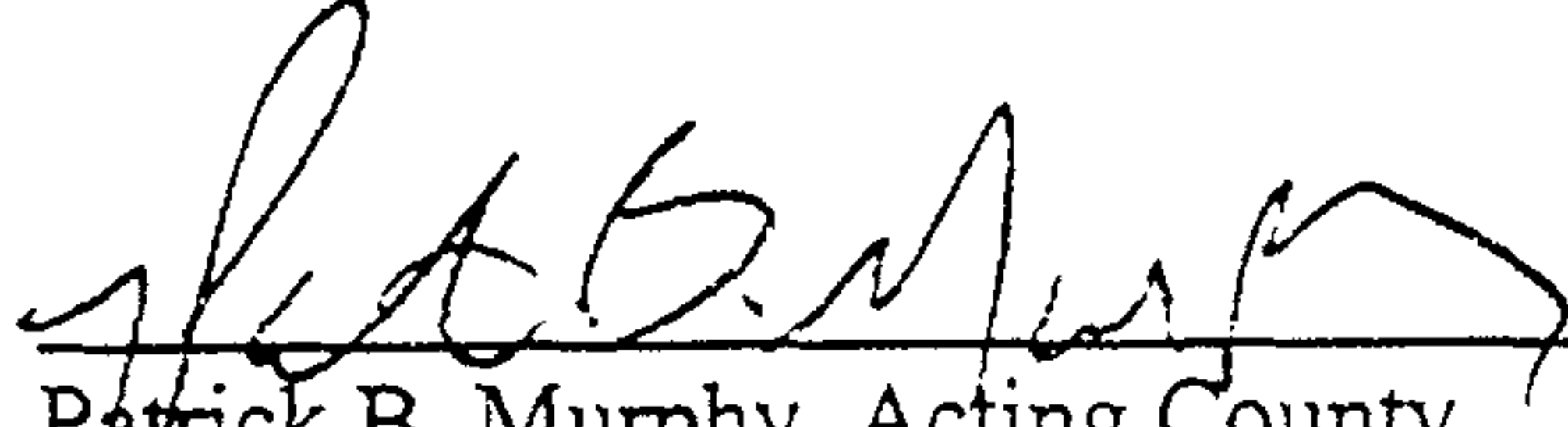
BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY, MARYLAND


Alfred A. Lacer, County Administrator

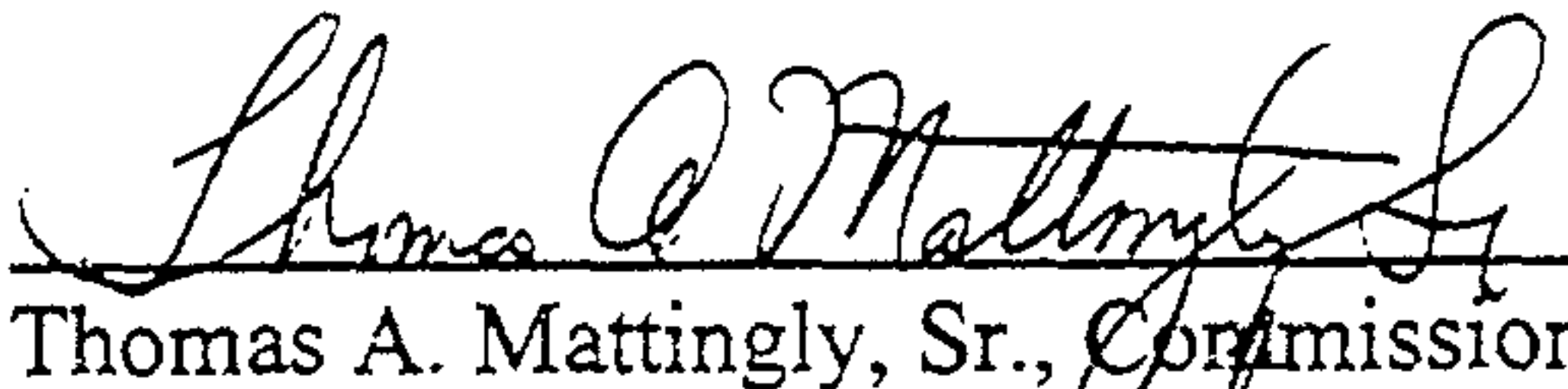

Julie B. Randall, President

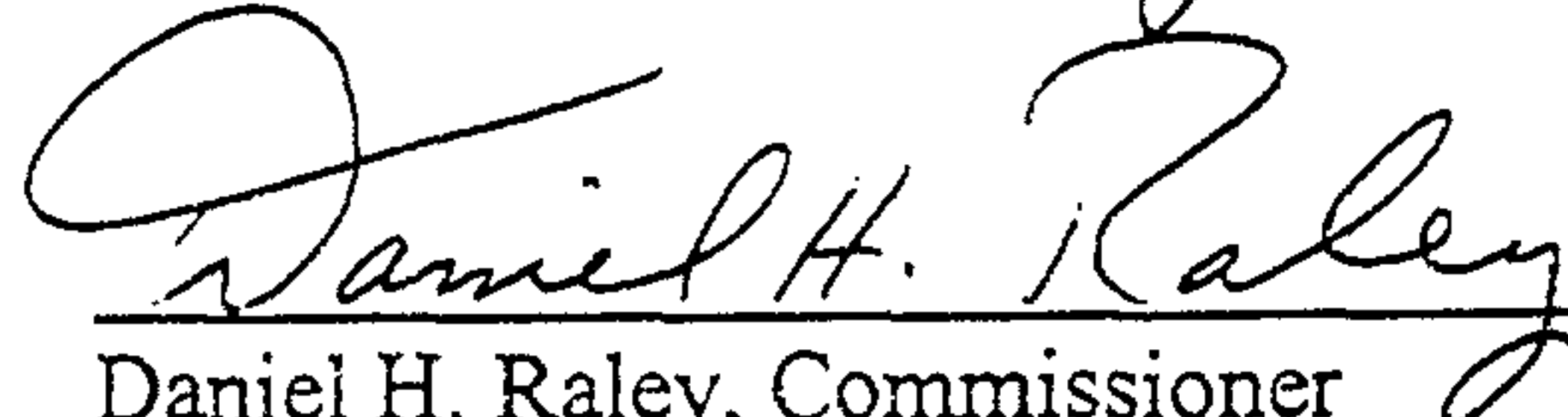

Joseph F. Anderson, Commissioner

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:


Patrick B. Murphy, Acting County
Attorney


Shelby P. Guazze, Commissioner


Thomas A. Mattingly, Sr., Commissioner


Daniel H. Raley, Commissioner

SUBJ: Public Facilities Bonds of 1997
SMCPS - Office Consolidation

Page 1 of 3

RECORDING FEE 8.00
TOTAL 8.00
Res#15403 Rpt#1999999
EWA NB BL#42341
May 30, 2000 10:46 AMRESOLUTION

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY for the purpose of supplementing the Resolution of the County adopted on August 26, 1997 authorizing the issuance of general obligation bonds of the County by designating certain new projects as additional projects authorized to be financed with the proceeds from the sale of such bonds.

RECITALS

On August 26, 1997, the County Commissioners of St. Mary's County (the "County") adopted its Resolution (the "Authorizing Resolution") authorizing the issuance and sale of \$26,555,000 County Commissioners of St. Mary's County Public Facilities Bonds of 1997 dated September 1, 1997 (the "Bonds"), a portion of the proceeds of which were to be used to finance the construction, improvement or development of certain capital projects described in such Authorizing Resolution (the "Original Projects").

Section 1 of the Authorizing Resolution provides that the proceeds of the Bonds shall be applied to the payment of the cost of the projects described in Resolution No. 97-33, unless the County by resolution authorizes the application of the proceeds of the Bonds to other capital projects of the County, and any unexpended proceeds of the Bonds shall otherwise be applied as provided in Resolution No. 97-33.

The County has determined that a portion of the proceeds of the sale of the Bonds originally designated to be used to finance the costs of the Original Projects is no longer required for such purpose.

The County has determined that it is in its best interest to use \$8,918.00 of the proceeds of the Bonds to finance all or a portion of the costs of certain projects listed on Schedule A attached hereto.

The County has further determined that the projects being financed by the proceeds of the Bonds and listed on Schedule A attached hereto have been authorized by Chapter 360 of the Laws of Maryland of 1992, as amended, Chapter 52 of the Laws of Maryland of 1993, as amended, Chapter 439 of the Laws of Maryland of 1996, as amended, Section 46-2 of the St. Mary's County Code, as amended, and Sections 2C and 24 of Article 31 of the Annotated Code of Maryland, as amended, and have been approved by St. Mary's County Board of County Commissioners Approved Budget.

BE IT RESOLVED BY COUNTY COMMISSIONERS OF ST. MARY'S COUNTY:

Section 1: The authorizing resolution adopted by the County Commissioners of St. Mary's County on August 26, 1997 (the "Authorizing Resolution") authorizing the issuance and sale of \$26,555,000 aggregate principal amount of County Commissioners of St. Mary's County Public Facilities Bonds of 1997, dated September 1, 1997 (the "Bonds") is hereby supplemented for the sole purpose of designating the projects described in Section 2 below as additional projects the costs of which are authorized to be financed with the proceeds of the sale of the Bonds.

Section 2: The County hereby finds and determines that a portion of the proceeds from the sale of the Bonds designated to finance the construction, improvement or development of certain capital projects approved by the Authorizing Resolution is no longer required for such purpose. The County hereby designates \$8,918.00 from the proceeds of

BOOK 0010 PAGE 3043

RESOLUTION NO.: 2000-16

SUBJ: **Public Facilities Bonds of 1997
SMCPS - Office Consolidation**

Page 2 of 3

the sale of the Bonds to be used to finance the construction, improvement or development of the projects in the County set forth in Schedule A attached to and made a part of this Resolution. The designation of such additional projects authorized to be financed from the proceeds of the sale of the Bonds shall in no way limit the County from designating such further additional projects as permitted under the Authorizing Resolution and shall in no way modify, amend or rescind any other provisions of the Authorizing Resolution.

Section 3: This Supplement Resolution shall become effective immediately upon its passage.

Date of Adoption: 5/16/00

Effective Date: 5/16/00

BOARD OF COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY, MARYLAND



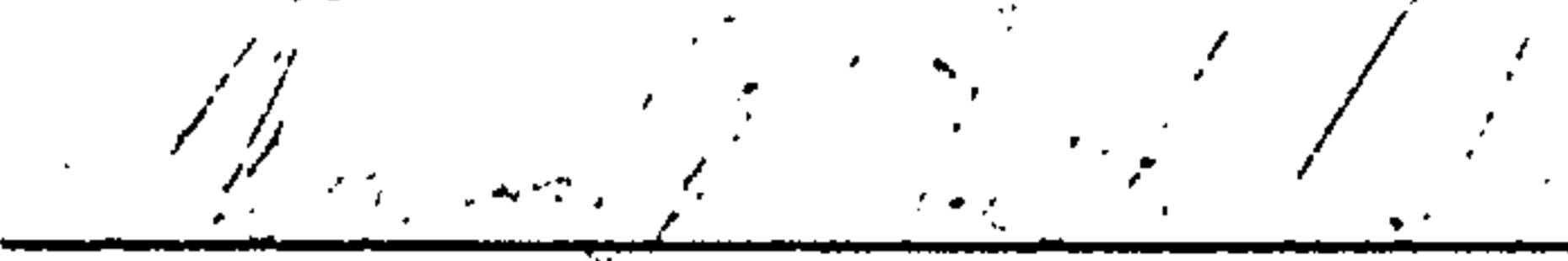
Julie B Randall, President



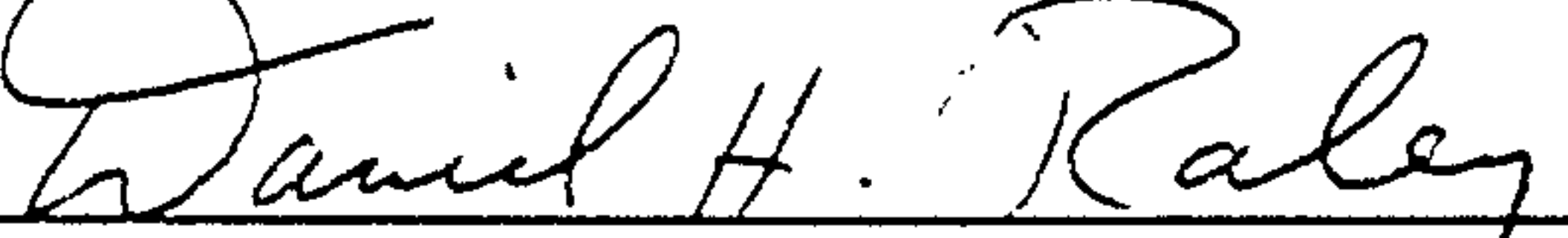
Joseph F. Anderson, Commissioner



Shelby P. Guazzo, Commissioner



Thomas A. Mattingly, Sr., Commissioner



Daniel H. Raley, Commissioner

ATTEST:



Alfred A. Lacer
County Administrator



L. Jeannett Cudmore
Acting Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



Patrick B. Murphy
Acting County Attorney

BOOK 0010 PAGE 0044

SCHEDULE A to
RESOLUTION NO.: 2000-16

SUBJ: Public Facilities Bonds of 1997
SMCPS – Office Consolidation

Page 3 of 3

Description of Additional Projects Authorized to be Financed with
the Proceeds of the County Commissioners of St. Mary's County
Public Facilities Bonds of 1997.

St. Mary's County Public Schools – Office Consolidation	\$8,918.00
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RESOLUTION NO.: 2000-17

SUBJ: Public Facilities Bonds of 1999
SMCPS - Office Consolidation

BOOK 3010 PAGE 3745

Page 1 of 3

RECORDING FEE 0.00
TOTAL 0.00
Res#SMC3 Rct#1999999
EWA NB BIK#2341
Mar 30, 2000 10:47 am

RESOLUTION

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY for the purpose of supplementing the Resolution of the County adopted on October 5, 1999 authorizing the issuance of general obligation bonds of the County by designating certain new projects as additional projects authorized to be financed with the proceeds from the sale of such bonds.

RECITALS

On October 5, 1999, the County Commissioners of St. Mary's County (the "County") adopted its Resolution (the "Authorizing Resolution") authorizing the issuance and sale of \$29,575,000 County Commissioners of St. Mary's County Public Facilities Bonds of 1999 dated October 15, 1999 (the "Bonds"), a portion of the proceeds of which were to be used to finance the construction, improvement or development of certain capital projects described in such Authorizing Resolution (the "Original Projects").

Section 1 of the Authorizing Resolution provides that the proceeds of the Bonds shall be applied to the payment of the cost of the projects described in Resolution No. 99-20, unless the County by resolution authorizes the application of the proceeds of the Bonds to other capital projects of the County, and any unexpended proceeds of the Bonds shall otherwise be applied as provided in Resolution No. 99-20.

The County has determined that a portion of the proceeds of the sale of the Bonds originally designated to be used to finance the costs of the Original Projects is no longer required for such purpose.

The County has determined that it is in its best interest to use \$300,000.00 of the proceeds of the Bonds to finance all or a portion of the costs of certain projects listed on Schedule A attached hereto.

The County has further determined that the projects being financed by the proceeds of the Bonds and listed on Schedule A attached hereto have been authorized by Chapter 439 of the Laws of Maryland of 1996, Chapter 460 of the Laws of Maryland of 1997, Chapter 77 of the Laws of Maryland of 1997, and Chapter 86 of the Laws of Maryland of 1999, and have been approved by St. Mary's County Board of County Commissioners Approved Budget.

BE IT RESOLVED BY COUNTY COMMISSIONERS OF ST. MARY'S COUNTY:

Section 1: The authorizing resolution adopted by the County Commissioners of St. Mary's County on October 5, 1999 (the "Authorizing Resolution") authorizing the issuance and sale of \$29,575,000 aggregate principal amount of County Commissioners of St. Mary's County Public Facilities Bonds of 1999, dated October 15, 1999 (the "Bonds") is hereby supplemented for the sole purpose of designating the projects described in Section 2 below as additional projects the costs of which are authorized to be financed with the proceeds of the sale of the Bonds.

Section 2: The County hereby finds and determines that a portion of the proceeds from the sale of the Bonds designated to finance the construction, improvement or development of certain capital projects approved by the Authorizing Resolution is no longer required for such purpose. The County hereby designates \$300,000.00 from the proceeds of the sale of the

Bonds to be used to finance the construction, improvement or development of the projects in the County set forth in Schedule A attached to and made a part of this Resolution. The designation of such additional projects authorized to be financed from the proceeds of the sale of the Bonds shall in no way limit the County from designating such further additional projects as permitted under the Authorizing Resolution and shall in no way modify, amend or rescind any other provisions of the Authorizing Resolution.

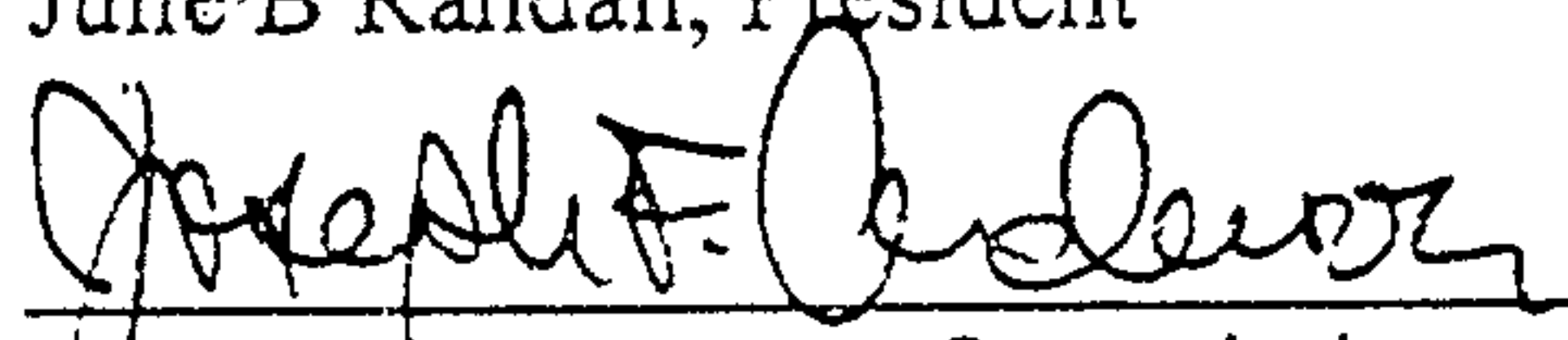
Section 3: This Supplement Resolution shall become effective immediately upon its passage.

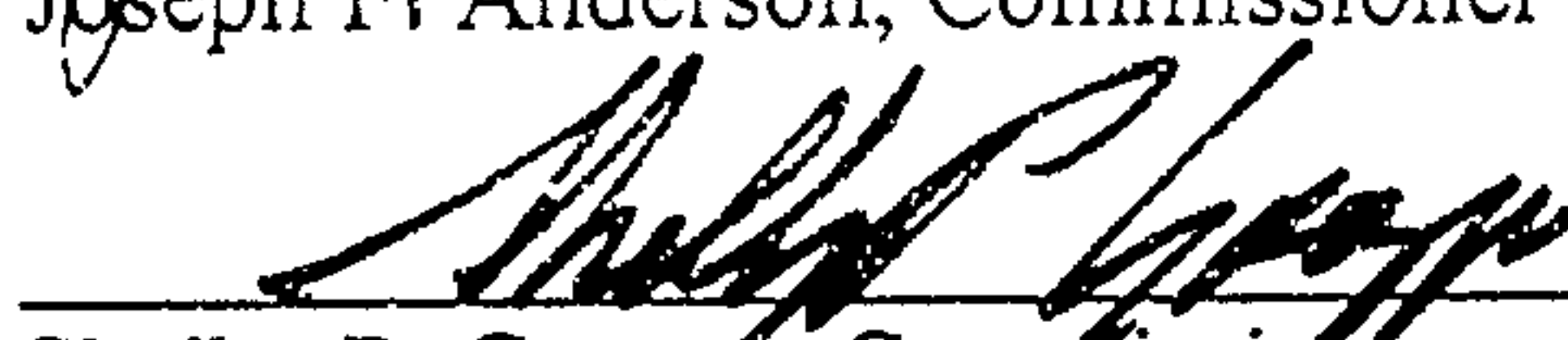
Date of Adoption: 5/16/00

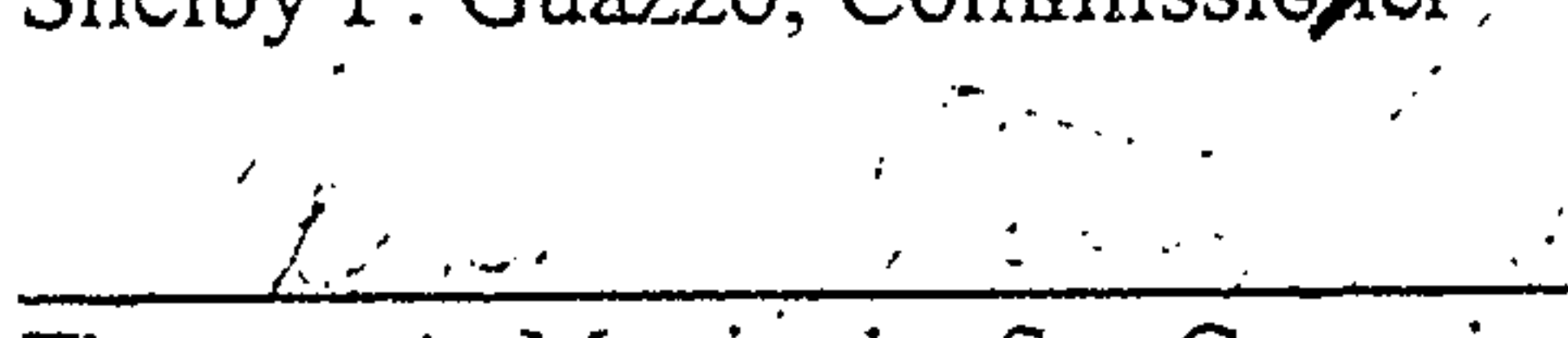
Effective Date: 5/16/00

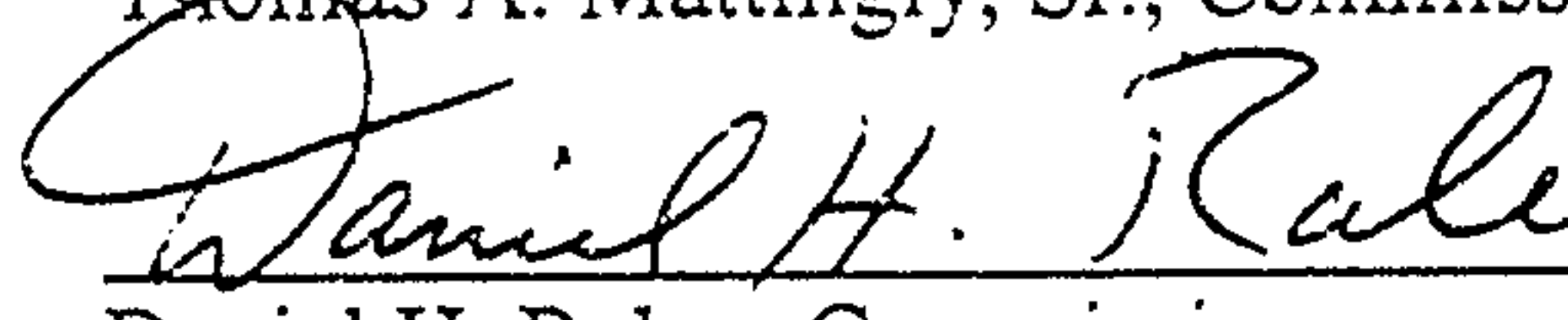
BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND


Julie B. Randall, President

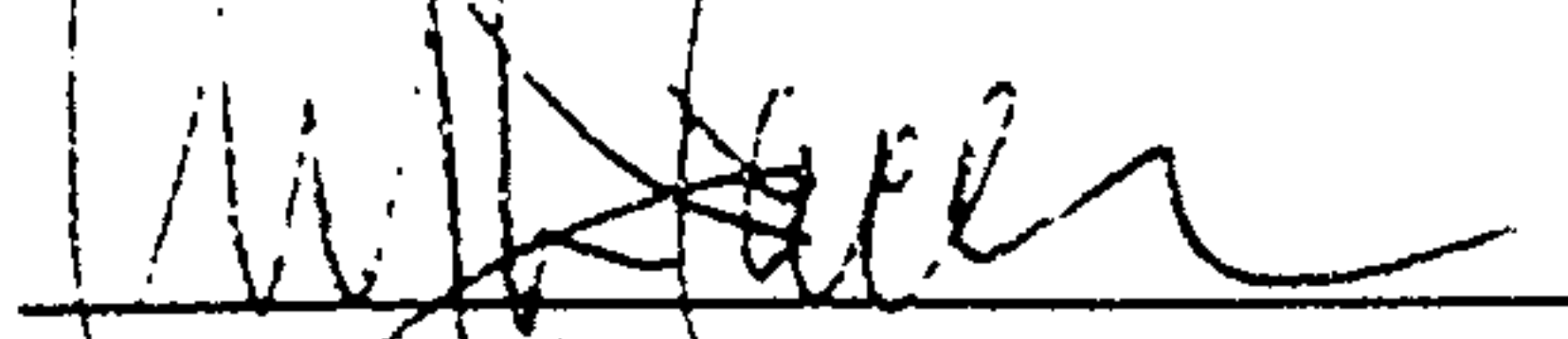

Joseph F. Anderson, Commissioner

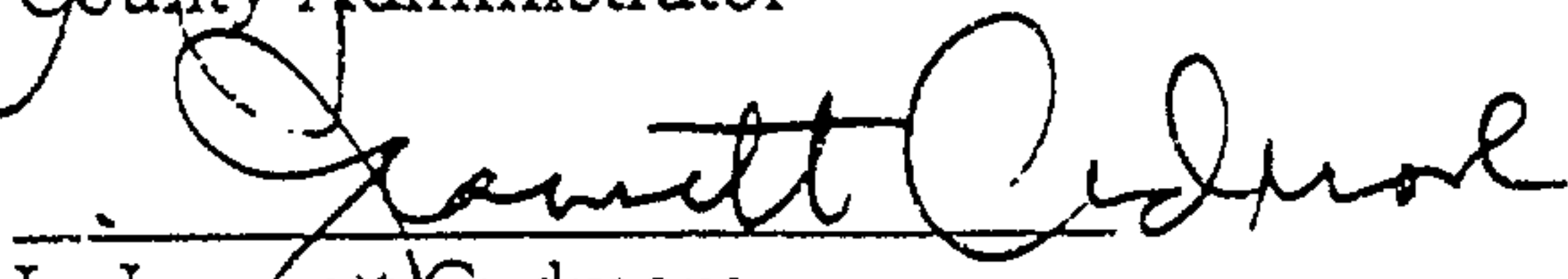

Shelby P. Guazzo, Commissioner


Thomas A. Mattingly, Sr., Commissioner

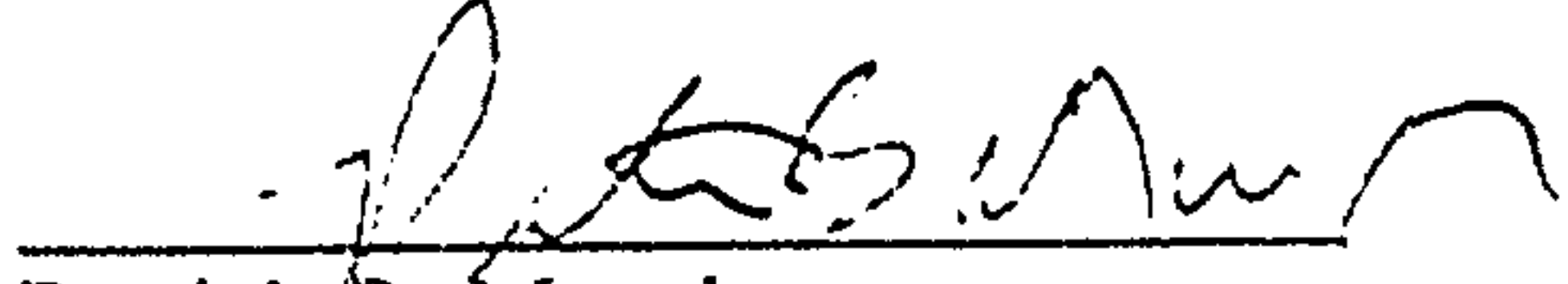

Daniel H. Raley, Commissioner

ATTEST:


Alfred A. Lacer
County Administrator


L. Jeannett Cudmore
Acting Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


Patrick B. Murphy
Acting County Attorney

BOOK 0010 PAGE 0547

SCHEDULE A to
RESOLUTION NO.: 2000-

SUBJ: Public Facilities Bonds of 1999
SMCPS - Office Consolidation

Page 3 of 3

Description of Additional Projects Authorized to be Financed with
the Proceeds of the County Commissioners of St. Mary's County
Public Facilities Bonds of 1999.

St. Mary's County Public Schools - Office Consolidation	\$300,000.00
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ORDINANCE

WHEREAS, the Board of County Commissioners for St. Mary's County adopted Resolution No. 96-31, on October 8, 1996, that (1) re-enacted Resolution 89-21 making impact fees payable upon the issuance of any building permit issued on or after December 2, 1996 and (2) rescinded Resolution No. 91-10 and Resolution No. 93-28; and

WHEREAS, On January 10, 2000, the Board of County Commissioners for St. Mary's County received a report from the St. Mary's County Impact Fee Study Group recommending that the \$2,000.00 impact fee established by Resolution 89-10 be increased up to the maximum amount of \$6,360.00 to be allocated as follows:

Schools	\$4,379.00
Roads	\$1,140.00
Parks and Recreation	\$ 841.00
TOTAL	\$6,360.00; and

RECORDING FEE	0.00
TOTAL	0.00
Rest#3423 Rcr#4999999	
EHA MAB Rik#95	
Jun 01, 2000 01:27 PM	

WHEREAS, the St. Mary's County Impact Fee Study Group determined that new development overburdens existing public facilities and that tax revenues generated from new residential development do not generate sufficient funds to provide public facilities to serve new development; and

WHEREAS, the St. Mary's County Impact Fee Study Group's recommendation was based upon review of the County's capital budget and program, the County's debt affordability, background materials and impact fees in other jurisdictions and prior consultant impact fee studies; and

WHEREAS, to the extent that new development places demands upon public facilities, those demands should be satisfied by shifting the responsibility for financing from the public, generally, to the development creating the demands as called out in the Comprehensive Plan Policy IV.3.2 and Action 51; and

WHEREAS, new residential development imposes increased and excessive demand upon county facilities and a rational nexus has been established between the fee being assessed and costs associated with residential development; and

WHEREAS, advance funding of public infrastructure associated with new development is necessary to provide proper programming of adequate public facilities in partnership with private landowners, so that facilities meet the needs of new residents when they occupy their homes, not months or years afterwards; and

WHEREAS, pursuant to Maryland Annotated Code Article 25 Section 3(r) a public hearing was held on May 2, 2000 after due and appropriate notice was advertised in The Enterprise, a newspaper of general circulation, on April 14, 2000 and April 21, 2000 for at least two successive weeks; and

WHEREAS, public input and testimony was received regarding the proposed impact fee; and

WHEREAS, after public input and serious consideration of input from staff and the public, as well as the St. Mary's County Impact Fee Study Group it is determined that it is in the County's best interest to increase the impact fee from \$2,000.00 to \$4,500.00 in order to defray some of the costs of public facilities needed by development; and

WHEREAS, in light of the fact many long-time County residents have purchased larger parcels of land with the intent of transferring at least part to their children and in order to promote the rural heritage of the county and to facilitate intra-family transfer of real property, the Board of County Commissioners deems it to be in the best interest of the County to exempt from the Impact Fee, the transfer of the first three lots from a parcel of record or lot of record recorded among the Land Records of St. Mary's County on or before June 1, 2000. Said exception is intended to only provide an exception for the aggregate first three lots regardless of how the property is titled; and

WHEREAS, intra-family transfers, assignment, or sales are limited solely to transfer of real property in a minor subdivision to the title owner's natural or legally adopted son or natural or legally adopted daughter or grandson or granddaughter.

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners for St. Mary's County Maryland that Resolution No. 96-31 is hereby rescinded and replaced as follows:

Section 1 – Authorization

This ordinance is enacted pursuant to the authority granted to the Board of County Commissioners for St. Mary's County pursuant to Maryland Annotated Code Article 25 Section 10D-1;

Section 2 – Purpose and Intent

This Ordinance is enacted for the purpose and intent of implementing the County's Comprehensive Plan Policy IV. 3.2. Action 51, and by requiring that new development pay for its fair share of public facilities through the imposition of impact fees that will be used to finance, defray or reimburse all or a portion of the costs incurred by the county for public facilities that serve such developments, namely education, roads and recreation and park facilities.

Section 3 – Effective Date

This Ordinance becomes effective on June 1, 2000, which is at least ten (10) days following closing of the public hearing.

Section 4 – Applicability

Unless otherwise expressly excepted or exempted, this Ordinance shall apply to all fees imposed by the county to finance capital projects and facilities, the need for which is created by new development, including:

- A. Education Facilities; and
- B. Roads; and
- C. Recreation and Parks.

Section 5 – Exemptions

This Ordinance does not apply to:

- A. Taxes and Special Assessments;
- B. Fees for processing development applications;
- C. Fees for enforcement of or inspections pursuant to regulatory ordinances;
- D. Fees collected under development agreements;
- E. Fees imposed pursuant to a reimbursement agreement between the County and a property owner for that portion of the cost of a public facility attributable to, reasonably related to, and roughly proportional to the development;
- F. Fees to mitigate impacts on the environment;

- G. Fees imposed, levied, or collected by other governmental agencies including subdivisions of the state and federal government;
- H. The first three lots in a minor subdivision recorded after June 1, 2000 created from a parcel of record or a lot of record, as defined herein, which are transferred to immediate family members. In no event shall there be exempt more than an aggregate of three lots regardless of how the property is titled.
- I. Permits or plat or plan approvals for replacement of legally existing, habitable dwelling units, including but not limited to mobile home park lots and individual single family dwelling units.

Section 6 – Definitions

When used in this Ordinance, the following words, terms, and phrases, and their derivations, shall have the meaning ascribed to them in this section.

A. Immediate family is defined as natural (direct lineal descent) or legally adopted son and/or natural (direct lineal descent) or legally adopted daughter or grandson or granddaughter. No other family relation shall be exempt. By means of illustration, but by no means an exhaustive list, no exemption shall exist for father, mother, or stepchildren.

B. Residential Lot is defined as a parcel of land which has been legally subdivided for residential development and recorded in the Land Records of St. Mary's County, Maryland prior to the effective date of this ordinance.

C. Parcel of Record is an individual parcel of land outside the Chesapeake Bay Critical Area (CBCA) recorded separately in the land records of St. Mary's County Maryland as of March 15, 1978, or an individual parcel of land within the CBCA recorded separately in the land records of St. Mary's County, Maryland as of December 1, 1985. Only county or state road rights-of-way which existed on March 15, 1978, shall be considered parcel dividers which divide a parcel into two (2) or more parcels or record.

D. Lot of Record is a parcel of land which has been legally subdivided and recorded in the Land Records of St. Mary's County, Maryland.

E. A minor subdivision pursuant to this Ordinance is defined by the St. Mary's County Subdivision Regulations, as amended from time to time.

F. Dwelling Unit is defined as one room, or rooms connected together, constituting a separate independent housekeeping establishment for owner occupancy, or rental or lease on a daily, weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

Section 7 – Imposition, Calculation, and Collection of Impact Fees

A. Except as provided in this Ordinance and any amendment hereto the County shall impose impact fees as a condition of issuance of building permits for each new dwelling unit.

B. Any person, firm, partnership, corporation, or other legal entity prior to issuance of a building permit after the effective date of this Ordinance, shall pay an Impact Fee of four thousand five hundred dollars (\$4,500.00) for each dwelling unit.

C. Proceeds from the four thousand five hundred dollars (\$4,500.00) impact fee are to be utilized as follows:

1. \$3,375.00 for schools.
2. \$450.00 for roads.
3. \$675.00 for Parks and Recreation.

Section 8 – Annual Impact Fee Study.

On or before June 1, 2001, and each and every anniversary thereof, the Board of County Commissioners shall cause to be re-evaluated the amount of the total impact fee to determine whether or not it should be increased, decreased, or remain the same. The Board of County Commissioners shall adopt regulation or policy consistent with the annual review of the impact fee, including but not limited to the appointment of an Impact Fee Study Group or the hiring of appropriate consulting services.

Section 9 – “Grandfathering”

A. Except as provided herein, every person, firm, partnership, corporation, or other legal entity which has not been issued a building permit for whatever reason prior to June 1, 2000, shall be required to pay four thousand five hundred dollars (\$4,500.00) per dwelling unit prior to the issuance of any new dwelling unit building permit, including accessory apartments.

B. Every person, firm, partnership, corporation, or other legal entity may be exempt from paying the increased impact fee (\$4,500.00), but shall still be required to pay the \$2,000.00 fee, if all of the following criteria are satisfied by the Applicant:

1. The applicant files an official complete and accurate application with the Department of Planning and Zoning, or its successor, on or before 4:30 p.m. on May 31, 2000; and
2. That the lot or parcel upon which the proposed building, improvement, or structure is to be located is a lot/parcel of record; and
3. That the applicant receive all federal, state or local agency/department approvals on or before August 31, 2000; and
4. That the building permit be picked up by the applicant on or before August 31, 2000.

C. Failure to satisfy all the conditions found in Section 9(B) above for any reason whatsoever regardless of an action by the applicant, Department of Planning and Zoning, or any other government agency shall require applicant to pay the \$4,500 impact fee.

D. If a qualifying permit under paragraph (A) above expires before the first required inspection is approved by the County or its authorized agent, no extensions whatsoever shall be granted without payment of the new impact fee amount. Any amount previously paid shall be credited toward the new fee.

E. The Board of County Commissioners makes no other provision or exception for the “grandfathering” of any dwelling unit except as expressly noted herein.

Section 10 – Certification

It shall be required that a qualified or bona-fide intra-family transfer applicant for a building permit shall provide a copy of the recorded subdivision plat with exemption noted and shall certify under the penalties of perjury that they are exempt for the Impact Fee Ordinance pursuant to Section 5 above on a form as will be required by the Department of

Planning and Zoning or its successor. Additionally, at the sole discretion of the Department of Planning and Zoning, or its successor, further assurances or verifications regarding the intra-family transfer may be required.

Section 11 – Authority for Additional Administration

The Board of County Commissioners may adopt regulations consistent with Maryland Annotated Code Article 25 Section 10-D1, as amended, to provide for orderly, systematic and thorough administration of the Impact Fee.

Section 12 – Severability

In the event any portion of this Impact Fee Ordinance is found to be unconstitutional, illegal, null or void, by a Court of competent jurisdiction, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of Ordinance shall be enforceable and valid.

Those voting Aye: Commissioners Randall, Anderson, Mattingly & Raley

Those voting Nay: Commissioner Guazzo

Those Absent: _____

ADOPTED: 5/30/00

EFFECTIVE: 6/1/00

ATTEST:

Alfred A. Lacer
Alfred A. Lacer, County Administrator

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Julie B. Randall
Julie B. Randall, President

Joseph F. Anderson
Joseph F. Anderson, Commissioner

Shelby P. Guazzo
Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Sr.
Thomas A. Mattingly, Sr., Commissioner

Daniel H. Raley
Daniel H. Raley, Commissioner

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:

Patrick B. Murphy
Patrick B. Murphy, Acting County
Attorney

APPROPRIATION ORDINANCE

WHEREAS, the 1979 Laws of Maryland, Chapter 670, the 1982 Laws of Maryland, Chapter 75, and the 1986 Laws of Maryland, Chapter 48, codified as the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Sections 27-1 through 27-11 authorizes and empowers the Board of County Commissioners to adopt the Annual Budget and Appropriation Act by June 1 of each year;

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Section 27-5, the Recommended Budget was filed in the office of the Board of County Commissioners on March 28, 2000, public hearings were held on April 18, 2000 and April 25, 2000, pursuant to Notice published on April 5, 2000 and April 12, 2000 in The Enterprise, a newspaper of general circulation published in the county;

RECORDING FEE 8.00
TOTAL 8.00

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Mary's County, Maryland, that the operating budget for fiscal year 2001 (FY 2001) is hereby adopted as set forth in the St. Mary's County Approved Budget for Fiscal Year 2001, a copy of which is incorporated herein by reference. In accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Section 27-8, transfer of appropriations between general classification of expenditures as outlined in this Ordinance may be authorized by the Board of County Commissioners of St. Mary's County, Maryland;

Revised 04/03 Rept 4399999

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Board of County Commissioners of St. Mary's County, Maryland that the following appropriations and capital improvement program are enacted for St. Mary's County for the fiscal year beginning July 1, 2000 (FY 2001) as follows:

EHA TLC BIK-175
Jun 02, 2000 09:32 am

SECTION 1. OPERATING APPROPRIATIONS

County Departments

County Commissioners/County Administrator	\$ 1,756,002
Office on Aging	\$ 1,390,516
Office of Community Services	\$ 810,689
County Attorney	\$ 620,872
Department of Economic & Community Development	\$ 953,718
Emergency Management Agency	\$ 672,967
Emergency Communications Center	\$ 814,984
Department of Finance	\$ 1,252,879
Marcey Halfway House	\$ 266,360
Department of Information Technology	\$ 2,333,051
Department of Human Resources	\$ 410,487
Department of Facilities Management	\$ 2,800,306
Department of Planning and Zoning	\$ 1,557,268
Department of Building Permit Services	\$ 803,633
Department of Public Works & Transportation	\$ 9,464,113
Department of Recreation and Parks	\$ 2,219,301
Total County Departments	\$ 28,127,146

Elected Officials

Circuit Court	\$ 1,135,656
Orphan's Court	\$ 28,630
Office of the Sheriff	\$ 15,204,957
Office of the State's Attorney	\$ 1,685,318
County Treasurer	\$ 301,574
Total Elected Officials	\$ 18,356,135

State Agencies and Independent Boards

Department of Health	\$ 905,304
Department of Social Services	\$ 353,022
Alcoholic Beverages Board	\$ 131,957
Supervisors of Elections	\$ 345,012

Cooperative Extension Service	\$ 125,108
Ethics Commission	\$ 11,000
Soil Conservation District	\$ 35,335
Board of Education	\$ 49,438,589
College of Southern Maryland	\$ 1,672,397
Board of Library Trustees	\$ 1,383,658
Southern Maryland Higher Education Center	\$ 50,000
Tri-County Council	\$ 94,200
Total State Agencies and Independent Boards	\$ 54,545,582

Non-Profit Private Entity Contributions

The ARC of Southern Maryland, Inc.	\$ 132,150
Catholic Charities	\$ 15,000
So. Md. Center for L.I.F.E.	\$ 15,000
The Center for Life Enrichment	\$ 155,908
Chamber of Commerce	\$ 10,920
St. Mary's County Farmers Market Association	\$ 1,000
Historic St. Mary's City Foundation	\$ 10,000
St. Mary's County Historical Society	\$ 12,700
Hospice of St. Mary's	\$ 15,000
Jude House	\$ 10,000
Literacy Council of St. Mary's	\$ 12,000
Maryland Historical Society	\$ 1,000
Patuxent River Naval Air Museum	\$ 30,000
Southern Maryland Navy Alliance, Inc. ¹	\$ 20,000
St. Mary's Caring, Inc.	\$ 10,000
St. Mary's College Scholarship Fund	\$ 6,000
Sotterley Mansion Foundation	\$ 50,000
So. Md. Interagency Consortium for Children & Families	\$ 7,400
So. Md. Resource Conservation/Development	\$ 5,200
Three Oaks Center	\$ 50,000
Tri-County Alternatives for Youth and Families	\$ 26,250
Tri-County Community Action Committee	\$ 17,751
Tri-County Youth Services Bureau	\$ 116,479
Walden/Sierra, Inc.	\$ 195,038
Watermen's Association	\$ 33,000
Wicomico Scenic River Commission	\$ 1,000
St. Mary's Women's Center	\$ 72,409
Total Non-Profit Entity Contributions	\$ 1,031,205

Private Entity Agents of County Government

Mental Health Authority of St. Mary's	\$ 54,945
Total Private Entity Agents of County Government	\$ 54,945

Private Entity Emergency Service Providers

Fire Departments and Rescue Squads	\$ 1,121,870
Total Private Entity Emergency Service Providers	\$ 1,121,870

Other Government Budget Costs

Environmental Education Program	\$ 23,500
Mosquito Control Program	\$ 34,632
Noxious Weed Control Program	\$ 14,570
Leonardtown - Tax Rebate Grant	\$ 42,887
Substance Abuse Screening Program	\$ 57,745
So. Md. Independent Life Environment	\$ 31,248
Employer Contributions	\$ 465,000
Debt Service	\$ 10,076,525

¹ No federal funds are included in this appropriation.

911 Emergency Communications/EDS	\$ 1,526,506
Budgeted Reserve Account - Designated	\$ 1,406,375
Budgeted Reserve Account - Undesignated	\$ 150,000
Total Other Government Budget Costs	\$ 13,828,988

TOTAL GENERAL FUND **\$117,065,871**

Enterprise and Special Revenue Funds

Nursing Center Enterprise Fund	\$ 10,431,162
505 Recreation and Parks Activities Fund	\$ 2,147,043
520 Wicomico Shores Municipal Golf Enterprise Fund	\$ 1,100,492
205 Medical Adult Day Care Special Revenue Fund	\$ 957,716
210 Special Assessments Fund	\$ 67,234
530 Miscellaneous Revolving Fund	\$ 64,949
220 Special Revenue Fund	\$ 500,000

TOTAL ENTERPRISE AND SPECIAL REVENUE FUNDS **\$ 15,628,596**

SECTION 2. CAPITAL IMPROVEMENTS FUND APPROPRIATIONS

Public Facilities

Lexington Park Library	\$ 480,500
Lexington Park Family Support and Head Start Center	\$ 400,000
Charlotte Hall Senior Activity Center	\$ 96,000
Land Acquisition - Great Mills	\$ 700,000
Fire and Rescue Revolving Loan Fund	\$ 250,000
Parking/Site Improvements	\$ 147,500
Temporary Courthouse (Renovation)	\$ 814,800
Board of Education Central Offices	\$ 38,000
Patuxent River Naval Aviation Museum	\$ 500,000
Second District Court	\$ (4,600)
Airport Improvements	\$ (416,436)
Health Department Renovations	\$ (102,824)
Tudor Hall Restoration	\$ (3,631)
County Office Building Addition	\$ (209,986)
Leonardtown Library Archives	\$ (6,891)
Building #4 Renovation	\$ (6,000)
Total Public Facilities	\$ 2,676,432

Land Conservation

Agricultural Preservation Program	\$ 2,266,000
Rural Legacy Program	\$ 250,000
Purchase of Development Rights	\$ (250,000)
Total Land Conservation	\$ 2,266,000

Information Technology

Telecommunications Systems	\$ 125,000
Total Information Technology	\$ 125,000

Marine

Murray Road Revetment	\$ 60,000
Shoreline Conditions Assessment	\$ 100,000
Little Kingston Creek Taxing District	\$ (58,316)
St. Mary's River Mitigation	\$ (7,714)
South Potomac Shores Taxing District	\$ (23,793)
Kingston Creek Taxing District	\$ (23,269)
Colton Point Outfall	\$ (43,171)
Total Marine	\$ 3,737

BOOK 0010 PAGE 0656

SUBJECT: FY 2001 ST. MARY'S COUNTY BUDGET

Highways

Asphalt Overlay	\$ 1,450,000
Surface Treatment	\$ 350,000
Slurry Seal	\$ 190,000
Removal of Roadside Obstacles	\$ 250,000
Bridge/Culvert Replacement	\$ 50,000
Retrofit Sidewalk Program	\$ 170,394
Transportation Plan Update	\$ 75,505
Adequate Public Facilities	\$ 265,000
Streetscape Improvements	\$ 80,000
Regional Stormwater Management Study	\$ 120,500
Lexington Park/Tulagi Place Master Plan	\$ 240,000
County Mapping	\$ 50,000
Curb Cut Accessibility Ramp Improvements	\$ 200,000
Nursing Center Emergency Access	\$ 41,750
Hewitt's Road	\$ (64,363)
Brown's Manor Taxing District	\$ (75,358)
Traffic Signals	\$ (108)
FDR Boulevard Extended	\$ (223,969)
All Faith Church Road	\$ (67,000)
Tall Timbers Drainage Improvements	\$ (15,000)
Mallard Creek Taxing District	\$ (12,759)
Total Highways	\$ 3,074,592

Solid Waste

Ridge Convenience Center Land Acquisition	\$ 136,000
Recycling Support	\$ 130,000
St. Andrews Landfill Closure Area B	\$ (1,200,000)
St. Andrews Landfill Closure Area C Expansion	\$ (400,000)
Ground Water Monitoring	\$ (170)
Total Solid Waste	\$ (1,334,170)

Building Maintenance and Repairs

Roof Replacements - County Facilities	\$ 75,000
Building Maintenance and Repairs	\$ 171,300
ADA Upgrades	\$ 86,875
Total Building Maintenance and Repairs	\$ 333,175

Recreation and Facility Development

Leonard Hall Recreation Center	\$ 75,000
Hollywood Day Care Center Improvements	\$ 40,000
Piney Point Lighthouse Museum & Park	\$ 8,000
St. Clement's Island Museum Expansion	\$ 191,000
Skate Park	\$ 150,000
Southern County Outdoor Swimming Pool	\$ (766,632)
Recreation & Parks Maintenance Building	\$ (22,171)
Hollywood KEEP Trailer	\$ (336)
Total Recreation and Facility Development	\$ (325,139)

Parks Acquisition and Development

Nicolet Park Expansion	\$ 124,000
Willows Road Park	\$ 433,000
Northern County Park	\$ 320,564
Dorsey Park Improvements	\$ 150,000
Parks ADA Accessibility Project	\$ 228,412
Tennis Court Replacement	\$ 40,000
County Bikeway	\$ 25,000
Myrtle Point Park	\$ (250,000)
Hollywood Athletic Fields	\$ (66,595)
Total Parks Acquisition and Development	\$ 1,004,381

Public Landings Acquisition and Development

Derelict Boat Removal	\$	30,000
Abell's Wharf Public Landing	\$	30,000
St. Inigoes Public Landing	\$	50,000
Countywide Landing Maintenance	\$	5,000
Leonardtown Wharf	\$	265,286
Wicomico Shores Public Landing	\$	(25,000)
Piney Point Public Landing	\$	(95,000)
St. Mary's River Public Landing	\$	(500)
Total Public Landings Acquisition and Development	\$	259,786

Metropolitan Commission

Patapsco Aquifer	\$	70,158
Aquifer Model Animation	\$	6,360
Total Metropolitan Commission	\$	76,518

Public Schools

Leonardtown High Addition/Renovation	\$	1,000,000
Banneker Elementary Addition/Renovation	\$	7,164,000
Margaret Brent Middle Addition/Renovation	\$	525,000
Relocatable Classrooms Future Capacity	\$	173,315
ADA Transition Plan	\$	400,000
Site/Parking Restoration - Various Locations	\$	65,000
Lexington Park Elementary Addition/Renovation	\$	7,313,000
Banneker Elementary Relocatables	\$	745,000
Technical Center Addition/Renovation	\$	825,000
Ridge Elementary HVAC Systemic Renovation	\$	874,000
Greenview Knolls Elementary Roof Systemic	\$	619,000
Technology in School	\$	35,966
Maintenance & Operations Storage Facility	\$	248,000
Office Consolidation	\$	137,700
Carver Elementary Replacement School	\$	50,000
Green Holly Wall Removal	\$	(5,703)
Leonardtown Elementary HVAC	\$	(6,692)
Leonardtown Elementary Pre-K	\$	(159)
Carver Elementary AICUZ Study	\$	(3,979)
Piney Point Addition/Renovation	\$	(25,360)
Town Creek Parking Lot Modifications	\$	(732)
Ridge Elementary Roof Systemic	\$	(28,352)
Window Air Conditioning	\$	(5,646)
Town Creek HVAC Systemic	\$	(48,576)
White Marsh Media Center Addition	\$	(2,207)
Banneker Sewer Line	\$	(614)
Park Hall Elementary Addition/Renovation	\$	(1,645)
P.A. System Upgrades	\$	(30)
Playground Fencing	\$	(2,401)
Technical Center Exhaust System	\$	(19,895)
Total Public Schools	\$	20,022,990

TOTAL CAPITAL IMPROVEMENTS FUND**\$ 28,183,302**

AND BE IT FURTHER ORDAINED in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Section 27-3, that the Capital Program for the fiscal years ending June 30, 2002; June 30, 2003; June 30, 2004; June 30, 2005 and June 30, 2006; is hereby adopted as set forth in the St. Mary's County Approved Budget for Fiscal Year 2001, a copy of which is incorporated herein by reference, by the Board of County Commissioners of St. Mary's County, Maryland.

Those voting Aye: Commissioners Randall, Anderson, Guazzo, Mattingly, Raley

Those voting Nay: _____

Those Absent: _____

Adoption Date: May 30, 2000

Effective Date: July 1, 2000

BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY, MARYLAND

Julie B. Randall
Julie B. Randall, President

Joseph F. Anderson
Joseph F. Anderson, Commissioner

Shelby P. Guazzo
Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Sr.
Thomas A. Mattingly, Sr., Commissioner

Daniel H. Raley
Daniel H. Raley, Commissioner

ATTEST:

Alfred A. Lacer
Alfred A. Lacer
County Administrator

L. Jeannett Cudmore
L. Jeannett Cudmore
Acting Director of Finance

APPROVED AS TO FORM AND SUFFICIENCY:

Patrick B. Murphy
Patrick B. Murphy
Acting County Attorney

BOOK 0310 PAGE 0059

SUBJECT: ORDINANCE FOR LEVYING RATES FOR
ST. MARY'S COUNTY REVENUE TAXES,
FIRE TAX RATES,
SERVICE CHARGE FOR THE SEMI-ANNUAL
PAYMENT OF PROPERTY TAXES,
INCOME TAX RATE,
ENERGY AND FUEL TAX RATES,
SPECIAL DISTRICT TAX RATES, AND
SPECIAL DISTRICT - HOLLYWOOD SHORES
SHORE EROSION CONTROL DISTRICT
FOR FISCAL YEAR 2001

REVENUE TAX ORDINANCE

RECORDING FEE 0.00
TOTAL 0.00
Rest#003 Rpt#000000
EPA TLC BIK#175
Jun 02, 2000 09:03

Budget Authority

WHEREAS, the 1979 Laws of Maryland, Chapter 670, the 1982 Laws of Maryland, Chapter 75, and the 1986 Laws of Maryland, Chapter 48, codified as the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Sections 27-1 through 27-11, authorizes and empowers the Board of County Commissioners for St. Mary's County to adopt the Annual Budget and Appropriation Act by June 1 of each year; and

Compliance with Budget Procedures

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Section 27-5, the Recommended Budget was filed in the office of the Board of County Commissioners on March 28, 2000, public hearings were held on April 18, 2000 and April 25, 2000, pursuant to Notice published on April 5, 2000 and April 12, 2000 in The Enterprise, a newspaper of general circulation published in the county; and

Fire Property Tax Levy Authority

WHEREAS, the 1957 Laws of Maryland, Chapter 759, Section 77B, which has been codified as the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Section 49-1, authorizes and directs the Board of County Commissioners for St. Mary's County, Maryland to levy a fire tax of not more than fourteen cents (\$0.14) on every \$100.00 of assessed valuation of all real and personal property in the Election Districts wherein the question of levying said Fire Tax has been submitted to and approved by a referendum of the legally qualified voters; and

WHEREAS, In Election Districts 1, 2, 3, 4, 5, 6, 7, 8 and 9, the Fire Tax has been voted upon and approved by the legally qualified voters; and

Authority for a Service Charge for the Semi-Annual Payment of Property Taxes

WHEREAS, Tax-Property Article of the Annotated Code of Maryland, Sections 6-202, 6-204, 6-302, 6-306 and 6-308 and the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Section 27-7(C), authorizes and empowers the Board of County Commissioners for St. Mary's County to levy a property tax rate for each fiscal year; and

WHEREAS, the Maryland Department of Assessments and Taxation has, for Fiscal Year 2001, approved a service charge of One and three hundred seventy-five thousandths percent, (1.375%), of the amount of tax due at the second installment to cover lost interest income and administrative expenses associated with the semiannual payment for a property owner electing to pay real property taxes under a semiannual payment schedule pursuant to Section 10-204.3 of the Tax-Property Article of the Annotated Code of Maryland. As a result, notwithstanding said service charge adopted by the Board of County Commissioners for St. Mary's County on Tuesday, May 23, 2000 by Ordinance 2000-15, the service charge

NO: 2000-17

BOOK 0010 PAGE 0060

SUBJECT: ORDINANCE FOR LEVYING RATES FOR
ST. MARY'S COUNTY REVENUE TAXES,
FIRE TAX RATES,
SERVICE CHARGE FOR THE SEMI-ANNUAL
PAYMENT OF PROPERTY TAXES,
INCOME TAX RATE,
ENERGY AND FUEL TAX RATES,
SPECIAL DISTRICT TAX RATES, AND
SPECIAL DISTRICT - HOLLYWOOD SHORES
SHORE EROSION CONTROL DISTRICT
FOR FISCAL YEAR 2001

shall be effective at the rate of One and three hundred seventy-five thousandths percent, (1.375%), of the amount of tax due at the second installment; and

Income Tax Levy Authority

WHEREAS, pursuant to Section 10-106(a) of the Tax-General Article of the Maryland Annotated Code and the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Section 267-15, the Board of County Commissioners for St. Mary's County shall set, by ordinance or resolution, a County Income Tax equal to at least One percent, (1%), but not more than Three and one-tenth percent, (3.10%), of an individual's Maryland taxable income for the taxable year beginning after December 31, 2000; and

WHEREAS Tax-General Article of the Maryland Annotated Code, Section 10-106(2) and the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Section 267-16 authorizes the County income tax to continue until the county changes the rate by ordinance or resolution; and

WHEREAS, pursuant to Tax-General Article of the Annotated Code of Maryland, Section 10-106 the St. Mary's County Income Tax for the year beginning after December 31, 2000 shall be Two and ninety-seven hundredths percent, (2.97%), of an individual's Maryland taxable income, unless modified by the Board of County Commissioners for St. Mary's County by Ordinance prior to July 1, 2000; and

WHEREAS, the Board of County Commissioners for St. Mary's County after due notice and public hearing shall, not sooner than ten (10) days following the June 6, 2000 public hearing, consider raising the County Income Tax from Two and ninety-seven hundredths percent, (2.97%), of an individual's Maryland taxable income to not more than Three and one-tenth percent, (3.10%), of an individual's Maryland taxable income, pursuant to a Motion adopted by the Board of County Commissioners for St. Mary's County on May 23, 2000; and

Energy and Fuel Tax Rate Levy Authority

WHEREAS, Article 24, Section 9-604 of the Annotated Code of Maryland authorizes and empowers the Board of County Commissioners for St. Mary's County to impose, by ordinance, and collect a sales and use tax on any form of energy or fuel used or consumed in St. Mary's County; and

WHEREAS, the Board of County Commissioners imposed such a sales and use tax on energy or fuel by Ordinance No. 89-13 adopted on May 16, 1989, and repealed and re-enacted by Ordinance No. 90-19 adopted on October 16, 1990, which ordinance has been codified as the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Sections 267-23 through 267-28; and

WHEREAS, Article 24, Section 9-604 of the Annotated Code of Maryland provides that the sales and use tax on energy or fuel may not exceed Five percent, (5%), of the sum of the total amounts billed in the County by all vendors for energy and fuel subject to the tax within classifications separated by energy or fuel during the calendar year that ends before the beginning of each fiscal year divided by the total number of units of energy or fuel subject to the tax within the classifications used or consumed in St. Mary's County during the calendar year that ends before the beginning of each fiscal year; and

WHEREAS, the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Section 267-24 (F) provides that the Board of County Commissioners shall levy the Energy and Fuel tax rates for each fiscal year ensuing after the fiscal year beginning after June 30, 1990, in accordance with the procedures set forth in that sub-section of the ordinance; and

NO: 2000-17

SUBJECT: ORDINANCE FOR LEVYING RATES FOR
ST. MARY'S COUNTY REVENUE TAXES,
FIRE TAX RATES,
SERVICE CHARGE FOR THE SEMI-ANNUAL
PAYMENT OF PROPERTY TAXES,
INCOME TAX RATE,
ENERGY AND FUEL TAX RATES,
SPECIAL DISTRICT TAX RATES, AND
SPECIAL DISTRICT - HOLLYWOOD SHORES
SHORE EROSION CONTROL DISTRICT
FOR FISCAL YEAR 2001

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Special District Tax Rate Levy Authority

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland are empowered by virtue of Article 25, Sections 167A through 167E of the Annotated Code of Maryland, to establish, create, repair, and maintain shore erosion control districts; and

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland, may act as District Council pursuant to authority granted in Article 25, Sections 161-167; in Article 25, Sections 167A-E; and Natural Resources Article Section 8-705 of the Annotated Code of Maryland for the Special Districts created as Shore Erosion, Erosion Control Districts and/or Waterway improvement Districts; and

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland are empowered, under the provisions of the Code of Public Local Laws of Maryland, Article 19 (St. Mary's County) Section 109-2(C) and (D), to construct and improve private roads and drainage incident thereto and to impose an annual benefit assessment for said construction and/or improvement after the approval of a petition of a majority of the property owners whose property benefits from said improvements; and

WHEREAS, the Board of County Commissioners, acting as District Council, shall certify the amount of each assessment to the Treasurer of St. Mary's County, Maryland on or before May 1 of each year hereafter for debt service on the capital construction costs, utilizing a uniform assessment method whereby each property within the District, as defined above, shall pay an equal share; and

Special District Tax - Hollywood Shores Shore Erosion Control District Levy Authority

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland, by virtue of Article 25, Section 166(a) of the Annotated Code of Maryland, shall impose an annual levy to pay all interest as it becomes due, all principal as it matures and all expenses to effectuate the provisions of that subtitle, including the construction, maintenance and repairs of improvements; and to reimburse the Board of County Commissioners for St. Mary's County for, acting as district council for each district, for all expenses incurred by them, not to exceed Two Hundred Dollars, (\$200.00), each; and

WHEREAS, the Board of County Commissioners for St. Mary's County have directed the Department of Public Works to conduct annual inspections of the District's improvements and to annually submit a budget for "district maintenance" including inspection, maintenance, repairs, and incidental and overhead expenses, for purposes of maintaining and repairing the District's Improvements until the District is first dissolved; and

WHEREAS, the Department of Public Works has conducted such inspections and prepared such a budget; and

Levy of Fire Property Tax Rate

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners for St. Mary's County, the Fire Tax is hereby assessed on every \$100.00 of assessed valuation of all real and personal property, effective July 1, 2000, as follows:

BOOK 0010 PAGE 0062

SUBJECT: ORDINANCE FOR LEVYING RATES FOR ST. MARY'S COUNTY REVENUE TAXES, FIRE TAX RATES, SERVICE CHARGE FOR THE SEMI-ANNUAL PAYMENT OF PROPERTY TAXES, INCOME TAX RATE, ENERGY AND FUEL TAX RATES, SPECIAL DISTRICT TAX RATES, AND SPECIAL DISTRICT - HOLLYWOOD SHORES SHORE EROSION CONTROL DISTRICT FOR FISCAL YEAR 2001

Fire Tax Rates:	Election District 1	\$.09
	Election District 2	\$.11
	Election District 3	\$.06
	Election District 4	\$.11
	Election District 5	\$.11
	Election District 6	\$.11
	Election District 7	\$.11
	Election District 8	\$.11
	Election District 9	\$.09;

Levy of Service Charge for the Semi-Annual Payment of Property Taxes

BE IT FURTHER ORDAINED that the property tax rate for St. Mary's County for fiscal year 2001, Two and twenty-seven hundredths Dollars, (\$.27), per One hundred Dollars, (\$100.00), of assessed valuation, enacted by Ordinance 2000-15 is reaffirmed; and that the service charge, applicable only to those choosing to take advantage of the optional semiannual payment schedule for State, County and special taxing district property taxes due on owner-occupied residential property pursuant to Section 10-204.3 of the Tax-Property Article of the Annotated Code of Maryland, be established at One and three hundred seventy-five thousandths percent, (1.375%), of the amount of tax due at the second installment; and

Levy of Energy and Fuel Tax Rate

BE IT FURTHER ORDAINED by the Board of County Commissioners for St. Mary's County, Maryland that the following energy and fuel tax rates are enacted for St. Mary's County for fiscal year 2001:

Energy Tax Rates:	Electricity - \$.00391 per kilowatt-hour,
	Fuel Oil - \$.04780 per gallon,
	Liquefied Petroleum Gas - \$.05893 per gallon; and

Levy of Special District Tax Rate

BE IT FURTHER ORDAINED by the Board of County Commissioners for St. Mary's County, Maryland that, pursuant to its authority, the following Special District tax rates shall be enacted for the following districts for Fiscal Year 2001:

Tanner Creek Erosion	\$2.03 per \$100 of assessment Tanner Creek waterfront property; \$1.17 per \$100 of assessment surrounding owners property; \$5.43 Bay front; \$3.61 fronting Tanner Creek,
Breton Bay Shore Erosion	Group A - \$413.97 per year; Group B - \$137.99 per year
Jefferson Island Erosion	Varying amounts each year, per DNR agreements, hereby incorporated by reference,
Golden Beach #3 Road & Drainage	\$73.67 per lot,
Tall Timbers Erosion #2	\$8.85 per front foot,
Tall Timbers Erosion #3	\$115.33 per front lot, \$57.28 per back lot,
Duke Drive	\$67.29 per lot,

NO: 2000-17

SUBJECT: ORDINANCE FOR LEVYING RATES FOR ST. MARY'S COUNTY REVENUE TAXES, FIRE TAX RATES, SERVICE CHARGE FOR THE SEMI-ANNUAL PAYMENT OF PROPERTY TAXES, INCOME TAX RATE, ENERGY AND FUEL TAX RATES, SPECIAL DISTRICT TAX RATES, AND SPECIAL DISTRICT - HOLLYWOOD SHORES SHORE EROSION CONTROL DISTRICT FOR FISCAL YEAR 2001

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Southampton Lighting	\$19.76 per lot,
Kline Drive	\$100.48 per lot,
Scott Circle	\$130.76 per lot,
Roof Top Circle	\$237.80 per lot,
Miles Drive	\$270.24 per lot,
Rosebank Village	\$342.65 per lot,
Cloverdale Acres	\$512.75 per lot,
Wicomico Shores	\$228.73 per lot,
Mallard Creek	\$259.26 per owner,
Little Kingston Creek	\$136.35 per owner,
Hollywood Shores	\$39.47 per owner, and

Levy of Special District Tax – Hollywood Shores Shore Erosion Control District

BE IT FURTHER ORDAINED that the Board of County Commissioners for St. Mary's County, Maryland acting as the District Council by virtue of Article 25, Sections 166(a) and (b) hereby levies, on each "property" within the boundaries of the Special Districts, the first annual assessment of \$0.004298 per \$100 of value for inspection, maintenance, repairs, district overhead, and incidental expenses, as to the Hollywood Shores Shore Erosion Control District.

Those voting Aye: Commissioners Randall, Anderson, Mattingly

Those voting Nay: Commissioners Guazzo & Paley

Those Absent: _____

Adoption Date: May 30, 2000

Effective Date of Ordinance: July 1, 2000

Effective Date of Fire Tax Rates: July 1, 2000

Effective Date of Property Tax Service Charge: July 1, 2000

Effective Date of Income Tax Rate: January 1, 2001

Effective Date of Energy and Fuel Tax Rate: July 1, 2000

Effective Date of Special District Tax Rate: July 1, 2000

Effective Date of Special District Tax – Hollywood Shores Shore Erosion Control District Rate: July 1, 2000

NO: 2000-17

SUBJECT: ORDINANCE FOR LEVYING RATES FOR ST. MARY'S COUNTY REVENUE TAXES, FIRE TAX RATES, SERVICE CHARGE FOR THE SEMI-ANNUAL PAYMENT OF PROPERTY TAXES, INCOME TAX RATE, ENERGY AND FUEL TAX RATES, SPECIAL DISTRICT TAX RATES, AND SPECIAL DISTRICT - HOLLYWOOD SHORES SHORE EROSION CONTROL DISTRICT FOR FISCAL YEAR 2001

BOOK 0010 PAGE 0064

BOARD OF COUNTY COMMISSIONERS FOR ST. MARY'S COUNTY, MARYLAND

Julie B. Randall
Julie B. Randall, President

Joseph F. Anderson
Joseph F. Anderson, Commissioner

Shelby P. Guazzo
Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Sr.
Thomas A. Mattingly, Sr., Commissioner

Daniel H. Raley
Daniel H. Raley, Commissioner

ATTEST:

Alfred A. Lacer
Alfred A. Lacer
County Administrator

L. Jeannett Cudmore
L. Jeannett Cudmore
Acting Director of Finance

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

Patrick B. Murphy
Patrick B. Murphy
Acting County Attorney

RESOLUTION

WHEREAS, the Board of County Commissioners of St. Mary's County, Maryland (the "County") has submitted an application to receive grant funds from the DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT of the State of Maryland (the "Department") from the MARYLAND INDUSTRIAL AND COMMERCIAL REDEVELOPMENT FUND ("MICRF"), in an amount not to exceed \$22,500 (the "Grant"). These funds will be re-granted to The Patuxent Partnership, a not for profit regional development corporation, which will use such funds for the purpose of developing strategies for attracting non-DOD business to St. Mary's County; and

WHEREAS, the Board of County Commissioners of St. Mary's County, Maryland will provide a \$2,500 contribution, which is at least 10 percent of the total non-federal and non-private portion of the financing for the Study (the "County Contribution"); and

WHEREAS, the Board of County Commissioners agrees that the MICRF Grant shall be used in accordance with Maryland law relating to MICRF, namely, Sections 5-801 through 5-808 of Article 8A of the Annotated Code of Maryland, as amended, and the applicable regulations, for the purposes set forth in the application described above; and

WHEREAS, the Board of County Commissioners has received a letter dated March 30, 2000 from the Deputy Secretary of the Department conditionally approving the Grant to the Board of County Commissioners (the "Letter of Conditional Commitment"); and

WHEREAS, the Board of County Commissioners has determined that it is in the best interests of the citizens of St. Mary's County that the Board of County Commissioners accept the Letter of Conditional Commitment and participate in the financing and construction of the site improvements described above.

NOW, THEREFORE, BE IT RESOLVED BY THE Board of County Commissioners of St. Mary's County, Maryland that:

1. The Board of County Commissioners of St. Mary's County, Maryland and/or other appropriate officials of St. Mary's County be and are hereby fully authorized and empowered to accept the Letter of Conditional Commitment, to accept as a grant from the Department the amount not to exceed \$22,500 and to evidence the Grant and its terms and conditions by executing and delivering a Grant Agreement between the Board of County Commissioners and the Department, in substantially the form attached hereto as Exhibit A.

2. This Resolution shall be effective upon its adoption in accordance with applicable law this 13 day of JUNE 2000.

RECORDING FEE 8.00
TOTAL 8.00
Res#3483 Rpt#999999
EMA NB Bk#1695
Jun 23, 2000 11:37 am

ATTEST:


Alfred A. Lacer
County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY

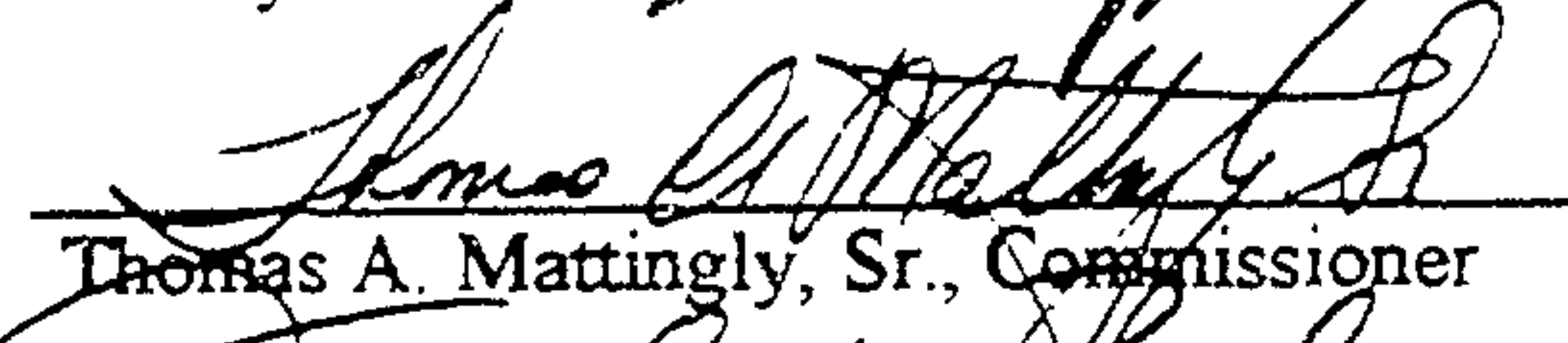

Patrick B. Murphy
Acting County Attorney

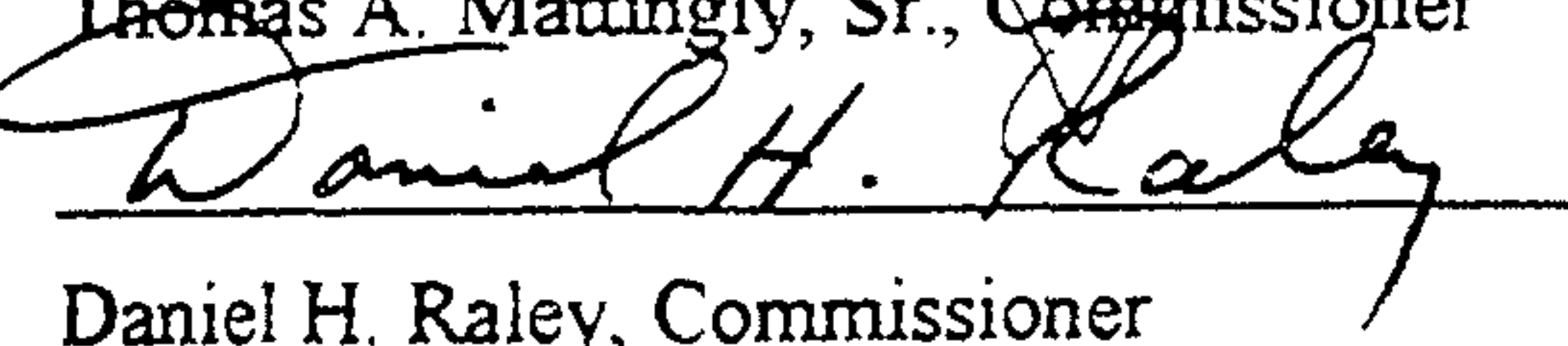
BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND


Julie B. Randall, President


Joseph F. Anderson, Commissioner


Shelby P. Guazzo, Commissioner


Thomas A. Mattingly, Sr., Commissioner


Daniel H. Raley, Commissioner



DH Steffens Co

ESTABLISHED 1923

ENGINEERS
SURVEYORS
PLANNERS

BOOK 0

PAGE 0066

DECEMBER

JAN 28 2000

22335 Exploration Drive Suite 1020 Lexington Park, Maryland 20653
(301) 862-2226 1-(800) 331-1568 Telecopier: (301) 862-2350

EXHIBIT "A"
Legal Description

Part of the Land of
St. Mary's County Commissioners
AKA White's Neck Road

January 19, 2000

BEGINNING for the same at a point at the common corner of the Land of the County Commissioners of St. Mary's County as recorded among the Land Records of St. Mary's County, Maryland, in Liber CBG 15, Folio 483 and the common corner of William E. Bailey and Patricia A. Bailey, his wife, as recorded among said Land Records in Liber 970 at Folio 428, said point being further described as being South 35 degrees 30 minutes 00 seconds east - 144.64 feet from an iron rod found with yellow cap stamped "Prop Cor. Lic. #149" at the common corner of the said Stephen J. Miller and Elizabeth M. Hollyfield and William E. Bailey and Patricia A. Bailey, his wife. Thence running coincidentally with the common boundary line between said Bailey land and said County Commissioners land

North 84 degrees 17 minutes 34 seconds east - 170.71 feet to a point; thence continuing

South 05 degrees 42 minutes 26 seconds east - 29.65 feet to a point at the high water line of White's Neck Creek, said point being the common corner of said Bailey property; thence leaving said Bailey property and running coincidentally with the high water line of White's Neck Creek and said County Commissioners Land the following two (2) courses

South 28 degrees 58 minutes 25 seconds west - 2.44 feet to a point thence continuing

South 64 degrees 51 minutes 53 seconds west - 25.09 feet to a point at the common corner of the property being described and the Bailey property; thence leaving said White's Neck Creek and running coincidentally with the Bailey property and said County Commissioners Land

South 84 degrees 17 minutes 34 seconds west - 122.76 feet to a point at the common corner of the Bailey property and the property N/F belonging to James M. Oliver and Helen V. Oliver, his wife, as recorded among said land records in Liber CBG

Legal Description
White's Neck Road
January 19, 2000
Page 2

BOOK 0 16 PAGE 0067

108, Folio 91; thence leaving said Bailey property and said Oliver property and passing through the property of the grantor with a new property line

North 35 degrees 30 minutes 00 seconds west - 46.09 feet to the point of beginning, said property containing 0.14 acres or 6,259 square feet as surveyed by the D. H. Steffens Company. The adjoining and deed references called for in this description are taken from the tax rolls of St. Mary's County year ending July, 1999.

There is a portion of land described in the road deed, CBG 15-484, that is now over tidal water and a portion of a pier. This was not included in this description since tidal water is now considered to be under the State of Maryland's domain. This area is .00255 of an acre or 111 sq. ft.


Herbert N. Redmond, Jr.
Herbert N. Redmond, Jr.
Reg. MD Land Surveyor No. 10,665

ORDINANCE

WHEREAS, the Board of County Commissioners believes it is in the best interest of the County to amend the Fiscal Year 2000 General Fund Operating Budget to increase the appropriation for Marcey House of St. Mary's County, and

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County) §27-9(A), the St. Mary's County Director of Finance has certified in writing that such funds in the amount of \$14,870.00 are available in State grant funds from the State of Maryland, Department of Health and Mental Hygiene, Alcohol and Drug Abuse Administration, for the purpose of providing supplemental funds for replacing equipment, materials and supplies to enhance efficient services to participants, and to expand levels of care relative to substance abuse treatment at the Marcey House.

WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, §3(r), a public hearing was held on Tuesday, May 30, 2000 pursuant to Notice published on or about May 17, 2000 and May 24, 2000 in the Enterprise.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on Tuesday, May 30, 2000 to present and explain the requirements to increase the Fiscal Year 2000 Budget in the amount of \$14,870.00 (Fourteen Thousand Eight Hundred Seventy Dollars), and such increase is hereby approved this 13 day of JUNE, 2000 by the Board of County Commissioners of St. Mary's County, Maryland.

Those voting Aye: Randall, Anderson, Guazzo, Mattingly, Raley
Those voting Nay: _____
Those Absent: _____

RECORDING FEE 0.00
TOTAL 0.00
Res#5493 Rort#3999999
EHA NR 814#1695
Jun 23, 2000 11:36 am

Date of Adoption: 6-13-00
Effective Date: 6-13-00

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Julie B. Randall
Julie B. Randall, President
Joseph F. Anderson
Joseph F. Anderson, Commissioner
Shelby P. Guazzo
Shelby P. Guazzo, Commissioner
Thomas A. Mattingly, Sr.
Thomas A. Mattingly, Sr., Commissioner
Daniel H. Raley
Daniel H. Raley, Commissioner

ATTEST:
Alfred A. Lacer
Alfred A. Lacer
County Administrator

L. Jeannett Cudmore
L. Jeannett Cudmore
Acting Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Patrick B. Murphy
Patrick B. Murphy
Acting County Attorney

ORDINANCE

WHEREAS, the Board of County Commissioners believes it is in the best interest of the County to amend the Fiscal Year 2000 General Fund Operating Budget to increase the appropriation for the Office of Community Services for St. Mary's County, and

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County) §27-9(A), the St. Mary's County Director of Finance has certified in writing that such funds in the amount of \$13,700.00 are available in State grant funds from the State of Maryland, Department of Health and Mental Hygiene, Alcohol and Drug Abuse Administration, for the purpose of providing supplemental funds for the Prevention Program (\$10,000), and Hooked on Fishing Program (\$2,000), and the Prevention Conference Assistant (\$1,700).

WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, §3(r), a public hearing was held on Tuesday, May 30, 2000 pursuant to Notice published on or about May 17, 2000 and May 24, 2000 in the Enterprise.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on Tuesday, May 30, 2000 to present and explain the requirements to increase the Fiscal Year 2000 Budget in the amount of \$13,700.00 (Thirteen Thousand Seven Hundred Dollars), and such increase is hereby approved this 13 day of JUNE, 2000 by the Board of County Commissioners of St. Mary's County, Maryland.

Those voting Aye: Randall, Anderson, Guazzo, Mattingly, Raley
Those voting Nay: _____
Those Absent: _____

RECORDING FEE 0.00
TOTAL 0.00
Res#S#03 Acct#999999
EWA NR 814#1695
Jun 23, 2000 11:40 am

Date of Adoption: 6-13-00
Effective Date: 6-13-00

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Julie B. Randall
Julie B. Randall, President

Joseph F. Anderson
Joseph F. Anderson, Commissioner

Shelby P. Guazzo
Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Sr.
Thomas A. Mattingly, Sr., Commissioner

Daniel H. Raley
Daniel H. Raley, Commissioner

ATTEST

Alfred A. Lacer
Alfred A. Lacer
County Administrator

L. Jeanette Cudmore
L. Jeanette Cudmore
Acting Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Patrick B. Murphy
Patrick B. Murphy
Acting County Attorney

ORDINANCE

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland is authorized to open, alter or close roads pursuant to Article 25, §135 and §136 and to sell, at public or private sale, any property no longer needed for a public use pursuant to Article 25, Section 11A(b)(3-1)(i) of the Annotated Code of Maryland; and

WHEREAS, the Board of County Commissioners has determined that disposition of the property described herein shall be via private sale, the terms and conditions of which are to be negotiated and finalized by staff; and

WHEREAS, as required by Article 25, §136, §3(r) and §11A(b)(3-1)(ii) of the Annotated Code of Maryland, a public hearing was held on February 15, 2000, notice of which was published in a newspaper of general circulation on February 2 and February 9, 2000; and

WHEREAS, the Board of County Commissioners has determined that the property described as 0.144 acres of closed roadbed at the end of White's Neck Creek Road in a deed recorded in the Land Records of St. Mary's County at Liber CBG 15, Folio 484 and as described in the attached Exhibit "A" and shown on a Boundary Line Adjustment Plat to be recorded in the Land Records of St. Mary's County, Maryland attached hereto as Exhibit "B", as well as the public pier at the end of the roadbed and the associated riparian rights, are no longer needed for a public use; and

WHEREAS, after the consideration of all public comments, information and documentation pertaining to the closure of the aforesaid public road, the Board of County Commissioners for St. Mary's County has determined that the public pier no longer serves a public purpose.

NOW, THEREFORE, be it ordained by the Board of County Commissioners for St. Mary's County, that the property may be disposed of by private sale and quitclaim deed.

Date of Adoption: 6-13-00

Ayes: Randall, Anderson, Guazzo, Mattingly, Raley

Nays:

RECORDING FEE 8.00
TOTAL 8.00

Effective Date: 6-13-00

Abstain:

RESERVED Rpt#999999
EWA NO BIK#1695
JUN 23 2000 11:42 AM

ATTEST:


BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY, MARYLAND


ALFRED A. LACER
County Administrator


JULIE B. RANDALL, President

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


JOSEPH F. ANDERSON, Commissioner


PATRICK B. MURPHY
Acting County Attorney


SHELBY P. GUAZZO, Commissioner


THOMAS A. MATTINGLY, Sr., Commissioner


DANIEL H. RALEY, Commissioner


DH Steffens Co

ESTABLISHED 1923

ENGINEERS
SURVEYORS
PLANNERS22335 Exploration Drive Suite 1020 Lexington Park, Maryland 20653
(301) 862-2226 1-(800) 331-1568 Telecopier: (301) 862-2350

EXHIBIT "A"
Legal DescriptionPart of the Land of
St. Mary's County Commissioners
AKA White's Neck Road

January 19, 2000

BEGINNING for the same at a point at the common corner of the Land of the County Commissioners of St. Mary's County as recorded among the Land Records of St. Mary's County, Maryland, in Liber CBG 15, Folio 483 and the common corner of William E. Bailey and Patricia A. Bailey, his wife, as recorded among said Land Records in Liber 970 at Folio 428, said point being further described as being South 35 degrees 30 minutes 00 seconds east - 144.64 feet from an iron rod found with yellow cap stamped "Prop Cor. Lic. #149" at the common corner of the said Stephen J. Miller and Elizabeth M. Hollyfield and William E. Bailey and Patricia A. Bailey, his wife. Thence running coincidentally with the common boundary line between said Bailey land and said County Commissioners land

North 84 degrees 17 minutes 34 seconds east - 170.71 feet to a point; thence continuing

South 05 degrees 42 minutes 26 seconds east - 29.65 feet to a point at the high water line of White's Neck Creek, said point being the common corner of said Bailey property; thence leaving said Bailey property and running coincidentally with the high water line of White's Neck Creek and said County Commissioners Land the following two (2) courses

South 28 degrees 58 minutes 25 seconds west - 2.44 feet to a point thence continuing

South 64 degrees 51 minutes 53 seconds west - 25.09 feet to a point at the common corner of the property being described and the Bailey property; thence leaving said White's Neck Creek and running coincidentally with the Bailey property and said County Commissioners Land

South 84 degrees 17 minutes 34 seconds west - 122.76 feet to a point at the common corner of the Bailey property and the property N/F belonging to James M. Oliver and Helen V. Oliver, his wife, as recorded among said land records in Liber CBG

Legal Description
White's Neck Road
January 19, 2000
Page 2

BOOK 0 16 PAGE 0-72

108, Folio 91; thence leaving said Bailey property and said Oliver property and passing through the property of the grantor with a new property line

North 35 degrees 30 minutes 00 seconds west - 46.09 feet to the point of beginning, said property containing 0.14 acres or 6,259 square feet as surveyed by the D. H. Steffens Company. The adjoiners and deed references called for in this description are taken from the tax rolls of St. Mary's County year ending July, 1999.

There is a portion of land described in the road deed, CBG 15-484, that is now over tidal water and a portion of a pier. This was not included in this description since tidal water is now considered to be under the State of Maryland's domain. This area is .00255 of an acre or 111 sq. ft.


Herbert N. Redmond, Jr.
Reg. MD Land Surveyor No. 10,665



ORDINANCE NO: 2000-22

Subject: Closure and Sale of a Portion of White's Neck Creek Road, Sale of County Pier and Assignment of Riparian Rights at the Site.

ORDINANCE

WHEREAS, the Board of County Commissioners for Mary's County, Maryland is authorized to open, alter or close certain public roads within St. Mary's County, Maryland, pursuant to Article 25, §§135 and 136 of the Annotated Code of Maryland and in accordance with the Code of Public Local Laws of Maryland, Article 19, §109-2A; and

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland is authorized to sell at a public or private sale any real property owned by the Board of County Commissioners, if the Board determines that the property is no longer needed for any public use; and provides adequate notice and a hearing on the sale of the real property, pursuant to Article 25, §11A(b)(3-1)(i) and (ii); and


WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland, following the procedures set forth in Article 25, §135 and §136, and Article 25, §3(r) and §11A(b)(3-1)(i) and (ii), and the Code of Public Laws of Maryland, Article 19, §109-2A, is proposing that approximately 0.144 acres of the end portion of White's Neck Creek Road, located in the Seventh (7th) Election District of St. Mary's county, Maryland, as described in the attached Exhibit "A" and shown on the attached Exhibit "B", be closed and sold and that the County pier at the site be sold and riparian rights be assigned to a purchaser via private sale; and

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland conducted a public hearing on the request to close and sell the aforesaid public road on February 15, 2000 following due notice of such hearing as advertised for two consecutive weeks in a newspaper of general circulation on February 2, 2000 and February 9, 2000 and posted in three (3) public places within the same election district thirty (30) days prior to the public hearing; and

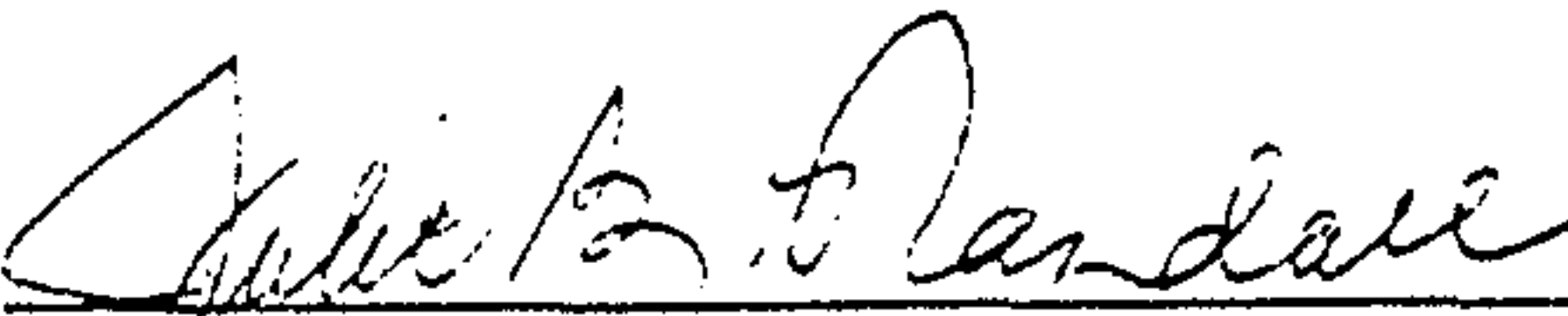
WHEREAS, after the consideration of all public comments, information and documentation pertaining to the closure of the aforesaid public road, the Board of County Commissioners for St. Mary's County has determined that the public pier no longer serves a public purpose.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners for St. Mary's County, Maryland that the aforesaid 0.144 acres of that portion of White's Neck Creek Road, as described in the attached Exhibit A and shown on the attached Exhibit B, is hereby closed. The Board's interest in the end portion of White's Neck Creek Road, the public pier and riparian rights will be conveyed to W. Edward Bailey and Patricia A. Bailey, whose property abuts a portion of the closed road, at such time as transactional documents, including the preparation and recordation of a boundary line adjustment plat, are executed by all appropriate parties.

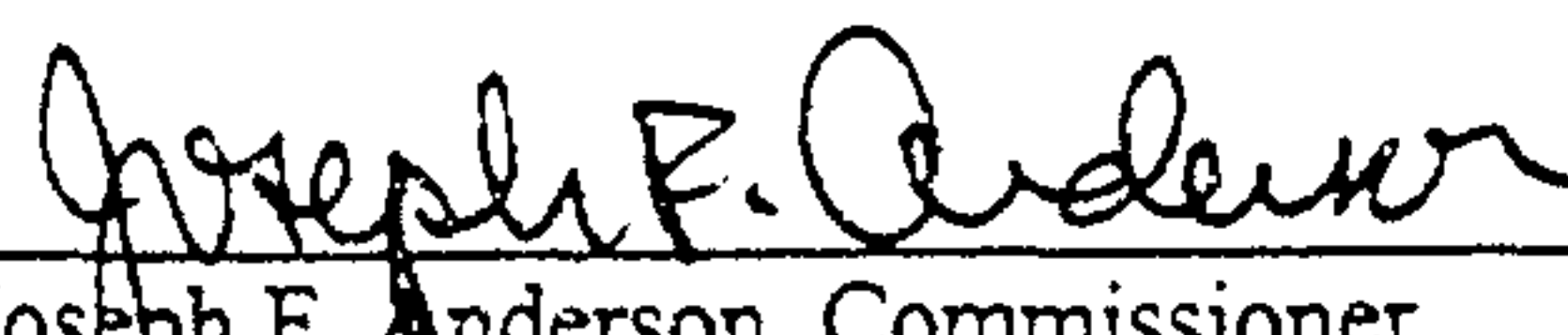
ATTEST:


Alfred A. Lacer
County Administrator

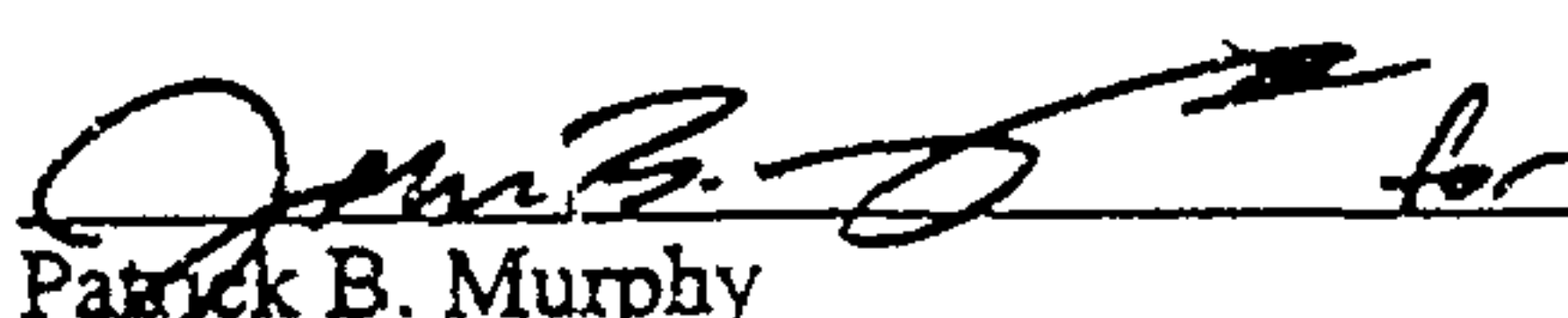
BOARD OF COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY, MARYLAND


Julie B. Randall, President

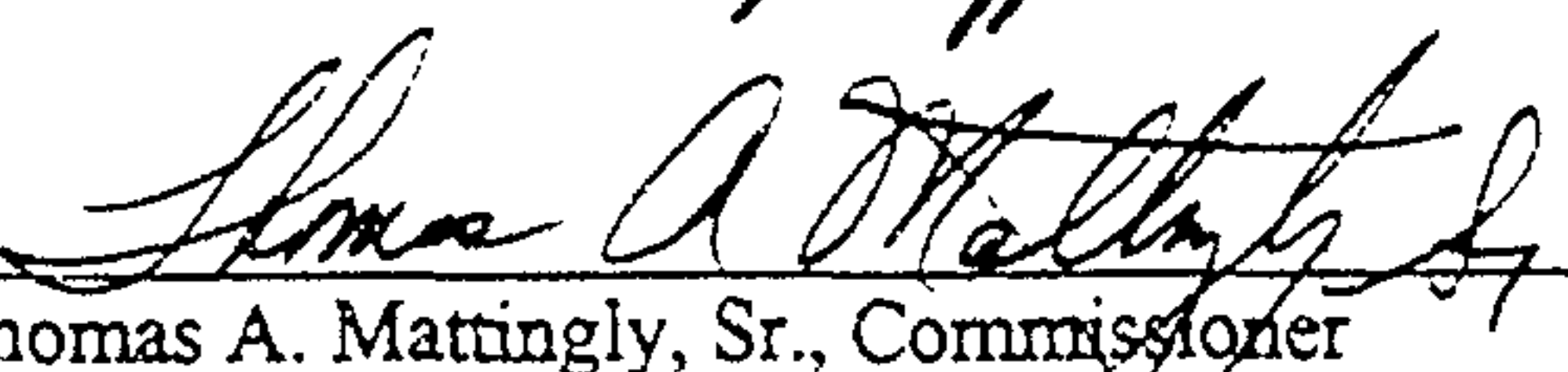
RECORDING FEE 8.00
TOTAL 8.00
Res#5403 Rcpt#399999
EWA NB Blk#1695
Jun 23, 2000 11:43 am

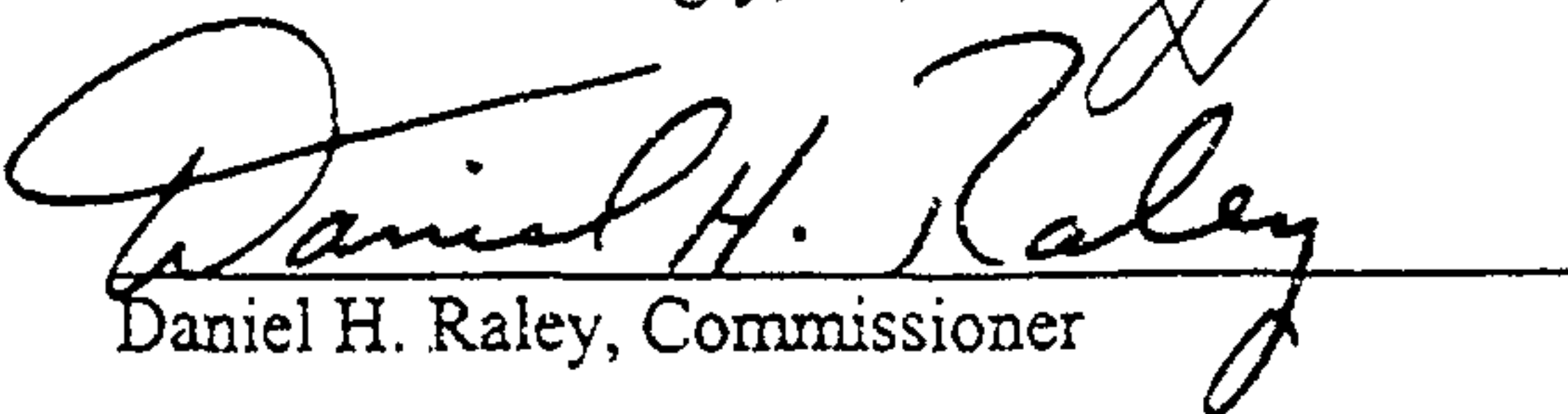

Joseph F. Anderson, Commissioner

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


Patrick B. Murphy
Acting County Attorney


Shelby P. Guazzo, Commissioner


Thomas A. Mattingly, Sr., Commissioner


Daniel H. Raley, Commissioner

County Commissioners
Resolution

Book 16

Page 74

Skipped

Not used

AN ORDINANCE TO RE-ADOPT AND RE-ENACT ARTICLE XV, CHAPTER 267 OF THE CODE OF PUBLIC LOCAL LAWS OF ST. MARY'S COUNTY RELATING TO THE REAL PROPERTY TRANSFER TAX.

RECITALS

WHEREAS, the Board of County Commissioners established a county transfer tax pursuant to the authority granted by the Laws of Maryland, Chapter 599 (1990); and

WHEREAS, the Laws of Maryland, Chapter 599 (1990) was codified as §138-1 of the Code of Public Local Laws of St. Mary's County and, by §138-1, requires that the transfer tax shall be established by ordinance; and

WHEREAS, by Ordinance No. 90-13, which is codified as §267-32 through §267-43 of the Code of Public Laws of St. Mary's County, and Ordinance No. 97-04, which is codified at §267-43.1 of the Code of Public Local Laws of St. Mary's County, the County Commissioners established a transfer tax on real property; and

WHEREAS, pursuant to §138-1 of the Code of Local Public Laws of St. Mary's County, Maryland, the Board of County Commissioners' authority to impose said transfer tax expires on July 1, 2000; and

WHEREAS, the General Assembly of Maryland, by Chapter 195 of the Laws Maryland (2000), (House Bill 1400), repealed and reenacted with Amendments §138-1 of the Public Local Laws of St. Mary's County, Maryland to extend the authority of the Board of County Commissioners to impose said transfer tax through July 1, 2005; and

WHEREAS, after due notice was published in The Enterprise, a newspaper of general circulation, on May 24, 2000 and May 31, 2000, as required by Article 25, §3(r) of the Annotated Code of Maryland, a public hearing was held on June 6, 2000; and

WHEREAS, based upon the comments and recommendations of staff and as a result of public input, the Board of County Commissioners deems it to be in the best interest of the citizens of St. Mary's County to re-adopt and re-enact Article XV, Chapter 267 of the Code of Public Local Laws of St. Mary's County relative to the Real Property Transfer Tax.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED, by the Board of County Commissioners of St. Mary's County, Maryland as follows:

(1) That Article XV, Chapter 267 of the Code of Public Local Laws of St. Mary's County, the same being Article XV, Chapter 267 of Article XIX of the Code of Public Local Laws of Maryland, is hereby re-adopted and re-enacted, as written, in its entirety and shall remain in full force and effect.

RECORDING FEE 0.00
TOTAL 0.00
Rest#3403 Rpt#999999
EPA NO 81742039
Jun 28 2000 03:49 am

Those voting Aye: BANDALL, Anderson, Mattingly, Raley
Those voting Nay: _____
Those abstaining: GUAZZO

DATE OF ADOPTION: 6/27/00

EFFECTIVE DATE: 6/7/00

BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY, MARYLAND

Julie B. Randall
JULIE B. RANDALL, President

Joseph F. Anderson
JOSEPH F. ANDERSON, Commissioner

ABSENT
SHELBY P. GUAZZO, Commissioner

ATTEST:
Alfred A. Lacer
ALFRED A. LACER
County Administrator

Thomas A. Mattingly, Sr.
THOMAS A. MATTINGLY, SR., Commissioner
Daniel H. Raley
DANIEL H. RALEY, Commissioner

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Patrick B. Murphy
PATRICK B. MURPHY
Acting County Attorney

INCOME TAX ORDINANCE

WHEREAS, Tax-General Article of the Annotated Code of Maryland, Section 10-106 and the Code of Public Local Laws of Maryland, Article 19 (St. Mary's County), Chapters 267-15 and 267-16, authorizes and empowers the Board of County Commissioners for St. Mary's County to levy an income tax rate for each fiscal year; and

WHEREAS, Tax-General Article of the Annotated Code of Maryland, Section 10-106(a)(3)(i) states that "[a] county may not increase its county income tax rate above 2.5% until the county has held a public hearing on the proposed act, ordinance, or resolution to increase the rate"; and

WHEREAS, by the authority of the Board of County Commissioners for St. Mary's County, notice of a public hearing was published in The Enterprise, a newspaper of general circulation in St. Mary's County, on May 24, 2000 and May 31, 2000 in accordance with the statutory provisions of Section 10-106(a)(3)(ii) of the Tax-General Article of the Annotated Code of Maryland and Section 3(r) of Article 25 of the Annotated Code of Maryland; and

WHEREAS, the Board of County Commissioners for St. Mary's County held a public hearing, as advertised and in accordance with applicable statutory provisions on June 6, 2000; and

WHEREAS, by said authority, the Board of County Commissioners for St. Mary's County may set a County Income Tax Rate greater than 2.5% of an individual's Maryland taxable income; and

WHEREAS, the Board of County Commissioners for St. Mary's County has carefully reviewed the expert analysis of this situation, the recommendations of the County Departments and the comments and concerns of the public; and

WHEREAS, the Board of County Commissioners for St. Mary's County believes it to be in the best interest of County citizens to impose a Three and One-tenth percent, (3.10%), County Income Tax on an individual's Maryland taxable income and has incorporated this rate into the final approved budget for the fiscal year ending June 30, 2001;

NOW, THEREFORE, BE IT ORDAINED, By the Board of County Commissioners for St. Mary's County, Maryland, that the County Income Tax of Three and One-tenth percent, (3.10%), of an individual's Maryland taxable income be imposed effective January 1, 2001, and that the Finance Director give the Maryland Comptroller notice of this rate change and the effective date on or before July 1, 2000 in accordance with of Section 10-106(b)(2) of the Tax-General Article of the Annotated Code of Maryland.

AND IT IS FURTHER ORDAINED, that this rate shall continue in effect until the County changes the rate;

AND IT IS FURTHER ORDAINED, that this Ordinance shall take effect January 1, 2001.

Those voting Aye: BANDALL, Anderson, Mattingly

Those voting Nay: RALEY

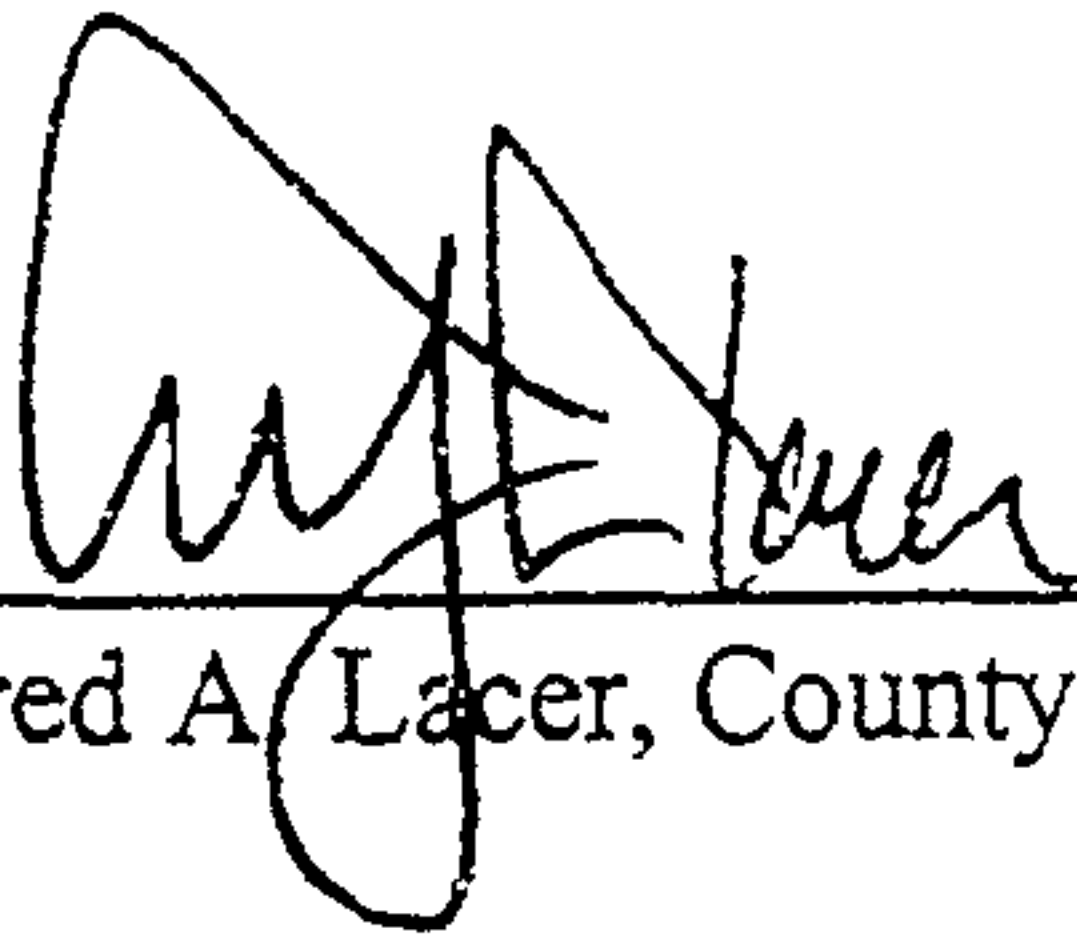
Those Absent: LUAZZO

ADOPTED: 6/27/00

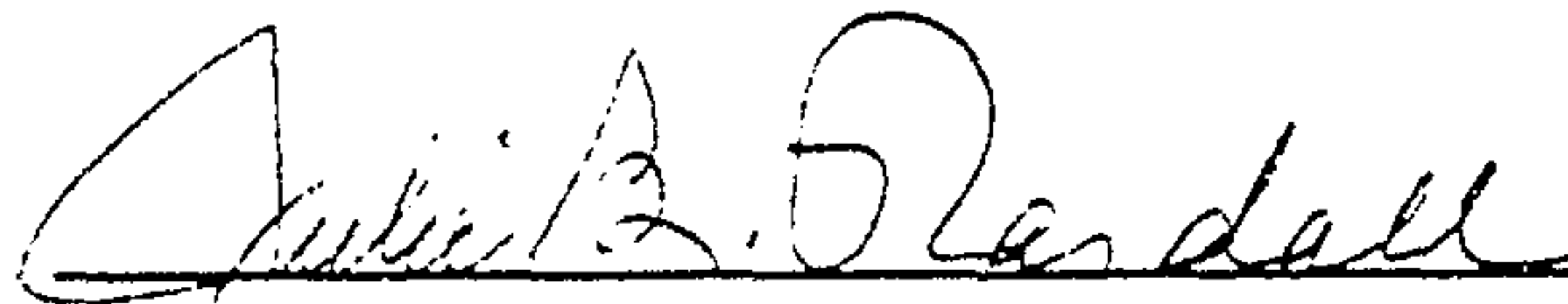
EFFECTIVE DATE: January 1, 2001

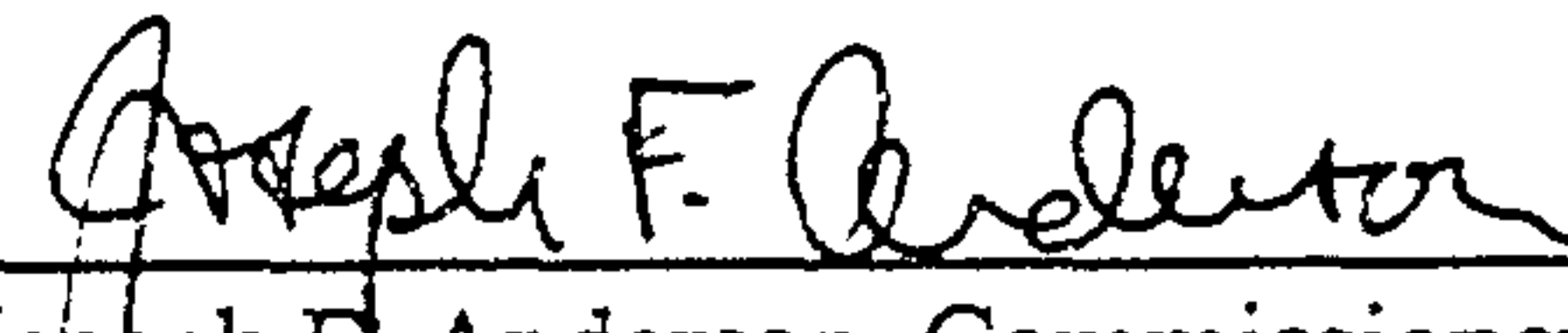
RECORDING FEE 0.00
TOTAL 0.00
REC-13423 REC#4333333
EWA NB 81K#2239
Jun 28, 2000 09:48 am

ATTEST:

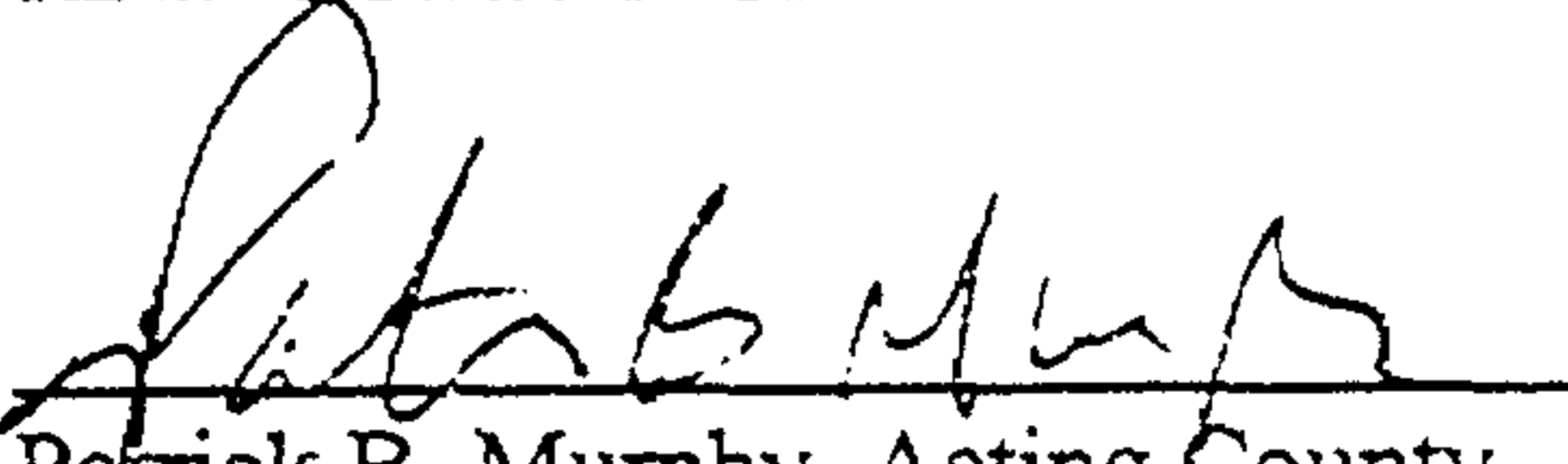

Alfred A. Lacer, County Administrator

BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY, MARYLAND

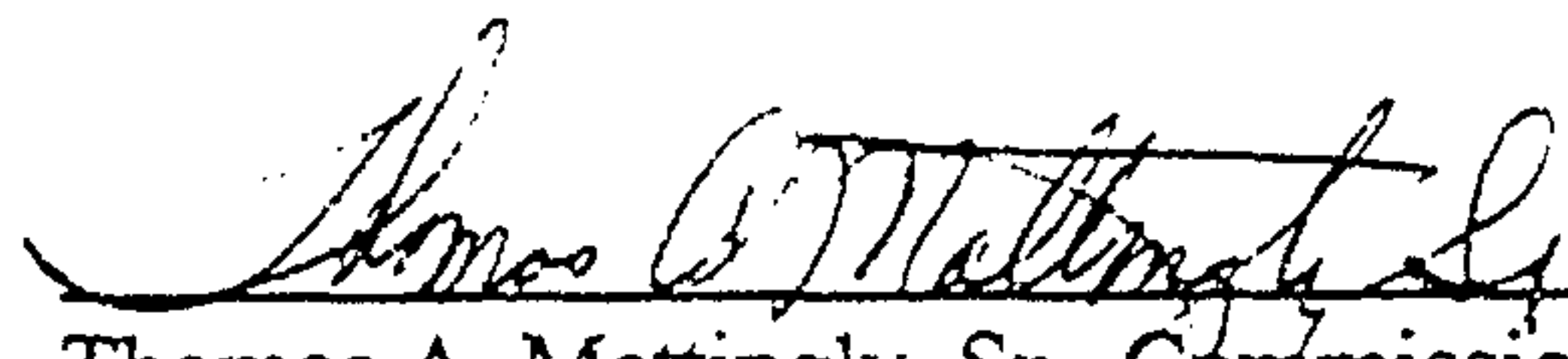

Julie B. Randall, President

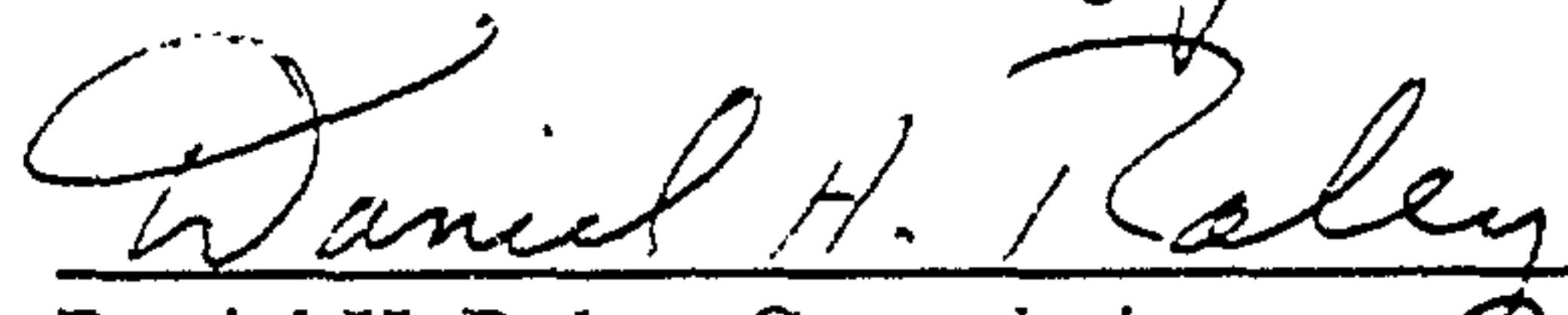

Joseph F. Anderson, Commissioner

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:


Patrick B. Murphy, Acting County
Attorney

ABSENT
Shelby P. Guazzo, Commissioner


Thomas A. Mattingly, Sr., Commissioner


Daniel H. Raley, Commissioner

RESOLUTION NO: 2000-19

SUBJECT: Railroad Right-of-Way
Unauthorized Use/Nuisance

RESOLUTION

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland in the interest of public health and safety, desire to eliminate the unauthorized use and potential nuisance conditions along the Railroad Right-of-Way; and

WHEREAS, in accordance with the Code of St. Mary's County, Chapter 251, §251-1, no motor vehicle or any self propelled motorized vehicle shall be permitted on said Railroad Right-of-Way, except when crossing an existing right-of-way or driveway that connects adjoining property with Maryland Route 5 and Maryland Route 235; and

WHEREAS, pursuant to the Code of St. Mary's County, Chapter 251, § 251-5, the Board of County Commissioners must otherwise approve vehicular use of the Railroad Right-of-Way; and

WHEREAS, the Board of County Commissioners has granted to the Southern Maryland Electric Cooperative ("SMECO") an easement to construct and maintain in, over, under, along, through and across said right-of-way such overhead and/or underground electric transmission and/or distribution cables, pipes conduits, wires and appurtenant facilities.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners for St. Mary's County, Maryland may authorize the St. Mary's County Department of Public Works to work in conjunction with the Southern Maryland Electric Cooperative to designate specific locations for restricted access and to install access control devices (Cable Barricades), as shown on the attached Exhibit A, along the Railroad Right-of-Way, on a case-by-case basis: (i) where evidence exists of violations of §251-1 the St. Mary's County Code; (ii) to eliminate unauthorized use of and potential nuisance conditions along the Railroad Right-of-Way; and (iii) to protect the public health, safety and welfare. The design and placement of the access control devices is not intended to restrict the authorized use by non-motorized vehicles, including, but not limited to, horses, buggies and bicycles, nor is it intended to restrict authorized pedestrian use.

Date of Adoption:

Ayes: *Randall, Anderson, Mattingly, Raley*

Nays:

Effective Date:

Abstain:

ATTEST:

[Signature]
ALFRED A. LACER
County Administrator

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

[Signature]
PATRICK B. MURPHY
Acting County Attorney

BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY, MARYLAND

[Signature]
JULIE B. RANDALL, President

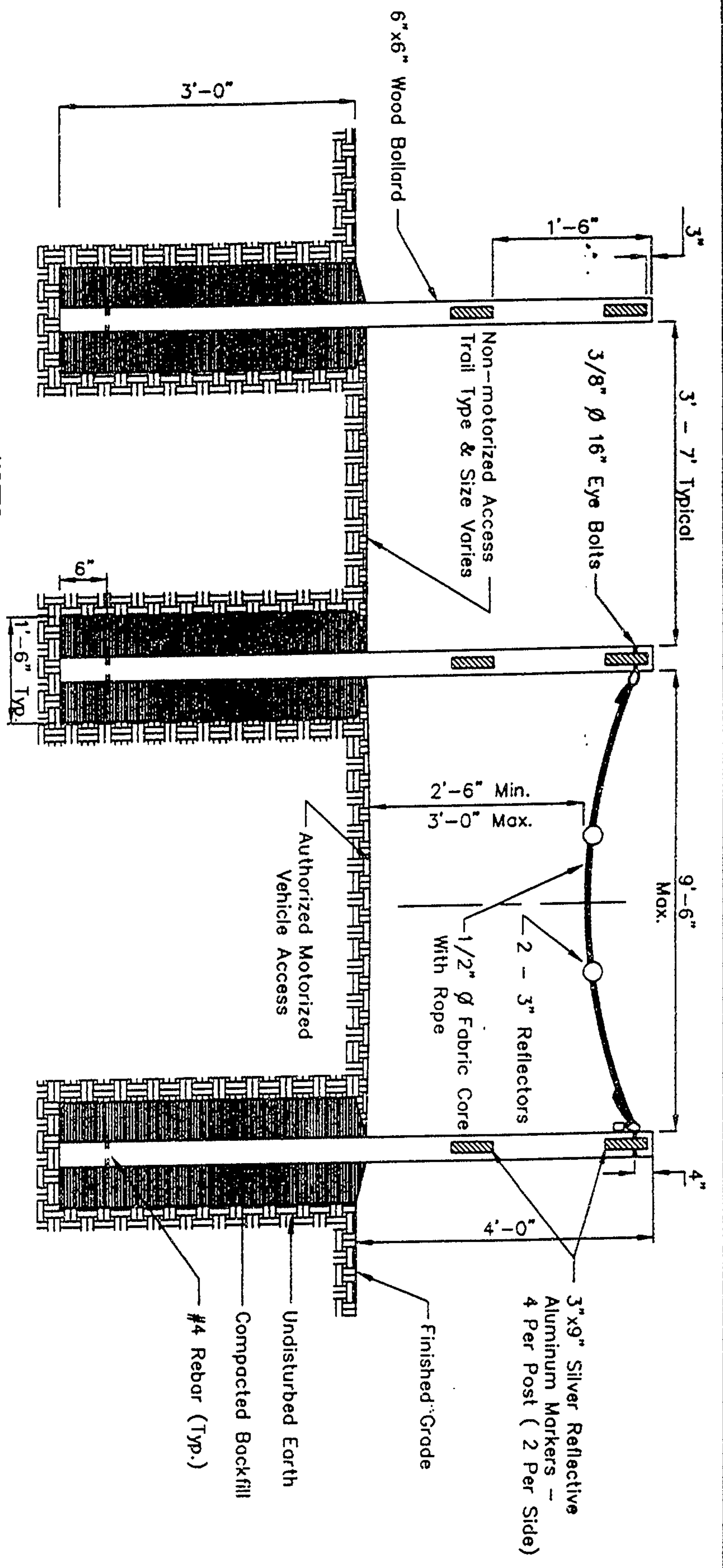
[Signature]
JOSEPH F. ANDERSON, Commissioner

Absent
SHELBY P. GUAZZO, Commissioner

[Signature]
THOMAS A. MATTINGLY, Sr., Commissioner

[Signature]
DANIEL H. RALEY, Commissioner

RECORDING FEE 0.00
TOTAL 0.00
Res#3903 RCP 4993333
EMA MAR R/L#2146
JUN 29 2000 01:08 PM



- NOTES:
1. COUNTERSUNK NUT AND WASHER ON 3/8" Ø X 6" EYE BOLTS. PEEN END OF ALL EXPOSED THREADS.
 2. MOUNT 3" RED REFLECTORS WITH 1/2" CABLE CLAMPS.
 3. CABLE LOOP FORMED WITH 2-1/2" CABLE CLAMPS; 3" SPACING. PEEN ENDS OF ALL EXPOSED THREADS.
 4. CABLE LOOP FASTENED TO EYE BOLT WITH LOCK SUPPLIED.
 5. STANDARD SIGNING AND MARKINGS FROM THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) SHALL BE INCLUDED IN THE DESIGN AND CONSTRUCTION OF THE TRAIL TO ALERT USERS OF POTENTIAL HAZARDS AND TO CONVEY MESSAGES (i.e. "MOTORIZED VEHICLES PROHIBITED").

<p>St. Mary's County Department of Public Works & Transportation</p>	<p>Approved _____ President, Board County Comm. <i>George A. Michay</i> Director, Public Works</p>	<p>Cable Barricade Detail</p>	<p>Revised: New Detail 6/8/00</p>	<p>Exhibit A</p>
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No. 2000-20

SUBJECT: RESOLUTION TO APPROVE THE SALE OF STATE TAX CREDITS TO FUND THE CREATION OF THE LEXINGTON PARK PROPERTY IMPROVEMENT GRANT PROGRAM

RESOLUTION

WHEREAS, the St. Mary's County Community Development Corporation, a nonprofit organization, proposes to undertake the creation of the Lexington Park Property Improvement Grant Program to improve commercial properties in the Lexington Park Revitalization District; and

WHEREAS, the St. Mary's County Community Development Corporation has applied to the Department of Housing and Community Development's Neighborhood Partnership Program for an allocation of \$35,000 in State tax credits to sell to Maryland business entities that contribute to the Lexington Park Property Improvement Grant Program; and

WHEREAS, the Board of St. Mary's County Commissioners approves of the development of the Lexington Park Property Improvement Grant Program as part of the County's efforts to encourage redevelopment and reinvestment in the Lexington Park Revitalization District; and

WHEREAS, this program will be a first of its kind revitalization tool for property and business owners located in the Lexington Park Development District. The goal of the program is to encourage reinvestment in Lexington Park by partnering with property and business owners to share the cost of noticeable and substantial improvements to commercial properties.

NOW, THEREFORE, BE IT RESOLVED, by the Board of St. Mary's County Commissioners, as follows:

1. The Lexington Park Property Improvement Grant Program will provide a dollar for dollar match to property or business owners who invest in facade improvements, property clean up, landscaping, or the redevelopment of a commercial property in the Lexington Park Development District. The amount of each grant will depend on the type of improvement but will not exceed \$10,000 per project.

2. Lexington Park Property Improvement Grant Program and the efforts of the St. Mary's Community Development Corporation to finance the Grant Program through the sale of State tax credits under the Maryland Department of Housing and Community Development's Neighborhood Partnership 2. The Board of St. Mary's County Commissioners hereby expresses approval for the creation of the Program.

Those voting Aye: ALL

Those voting Nay:


Those Absent:

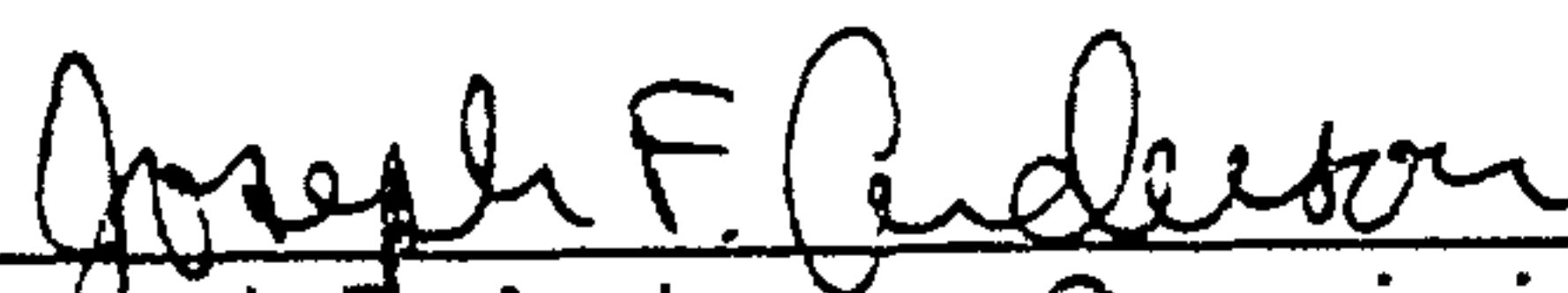
RECORDING FEE 0.00
TOTAL 0.00
RECORDING REPORT #999999
EM LP R/L#1005
APR 14, 2000 01:26 PM


SUBJECT: RESOLUTION TO APPROVE THE SALE OF STATE TAX CREDITS TO FUND THE CREATION OF THE LEXINGTON PARK PROPERTY IMPROVEMENT GRANT PROGRAM

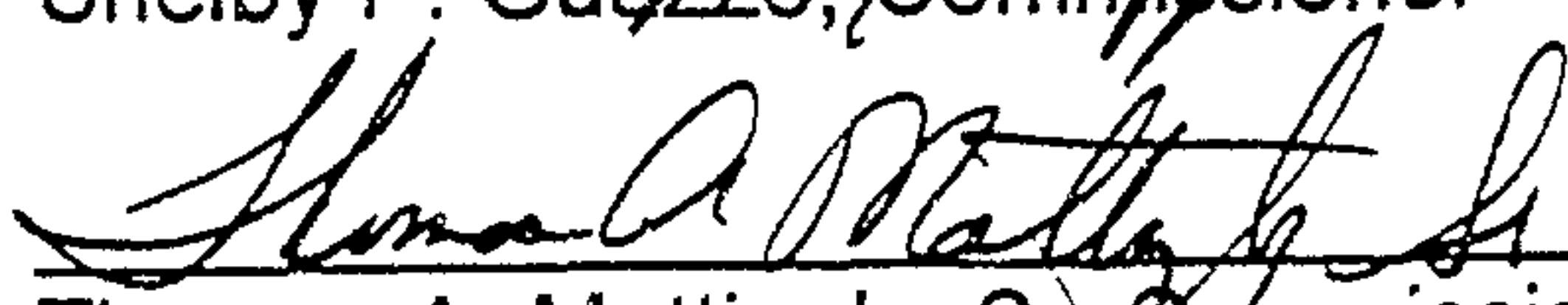
Date of Adoption: 8/8/00
Effective Date: 8/8/00

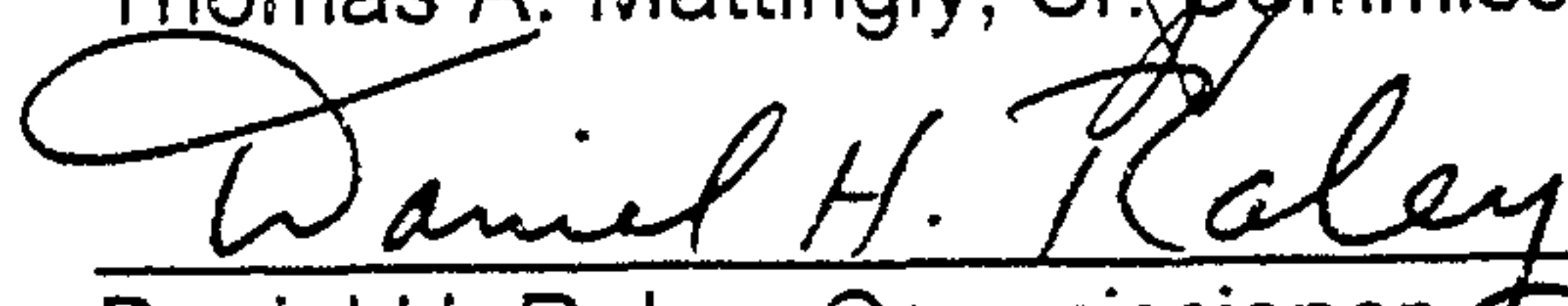
BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND


Julie B. Randall, President



Joseph F. Anderson, Commissioner

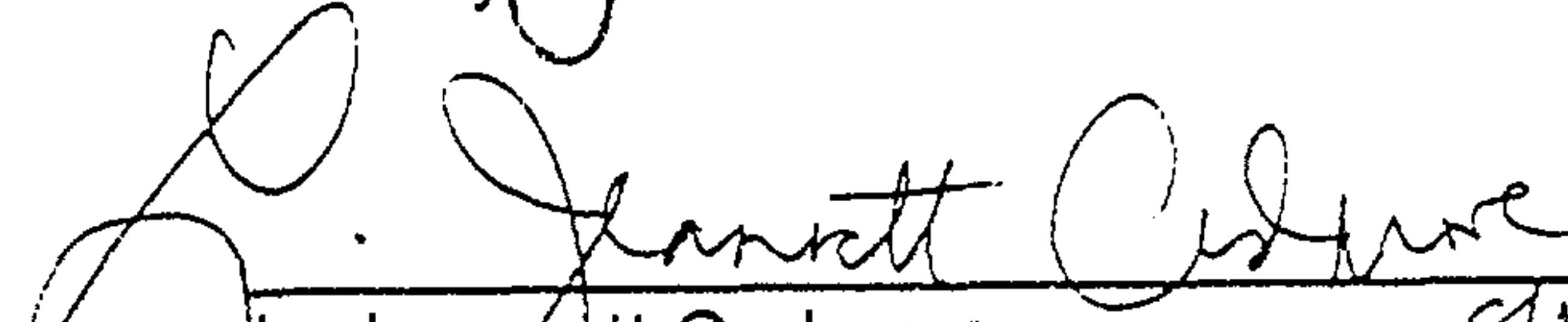

Shelby P. Guazzo, Commissioner


Thomas A. Mattingly, Sr. Commissioner

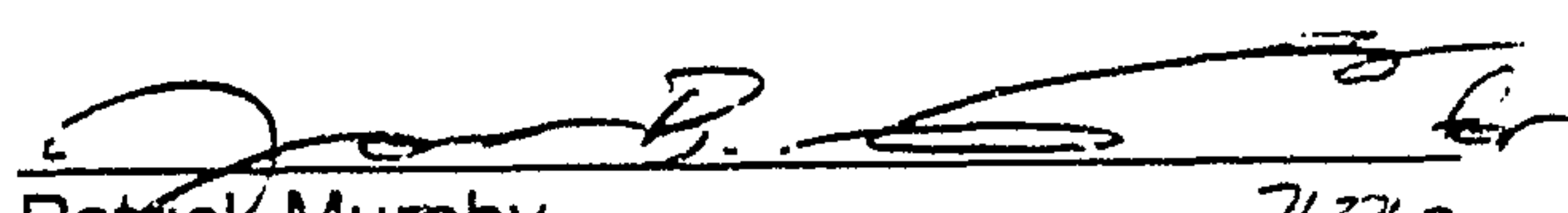

Daniel H. Raley, Commissioner

ATTEST:


Alfred A. Lacer
County Administrator


L. Jeannett Cudmore 8/4/00
Acting Director of Finance

APPROVED AS TO FORM AND SUFFICIENCY:


Patrick Murphy 7/27/00
Acting County Attorney

NO: 2000-28

BOOK 0016 PAGE 0083

SUBJ: FY 2001 Supplemental Appropriation Workforce Investment Program

ORDINANCE

WHEREAS, the Board of County Commissioners believes it is in the best interest of the County to amend the Fiscal Year 2001 General Fund Operating Budget to include the appropriation for the Workforce Investment Program for St. Mary's County, and

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County) §27-9(A), the St. Mary's County Director of Finance has certified in writing that such funds in the amount of \$611,124.00 are available in State grant funds from the Maryland Department of Labor, Licensing and Regulation for the purpose of providing supplemental funds to operate Workforce Investment Act Programs (a job-training program) in the Southern Maryland area.

WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, §3(r), a public hearing was held on Tuesday, July 18, 2000 pursuant to Notice published on or about July 5, 2000 and July 12, 2000 in the Enterprise.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on July 18, 2000 to present and explain the requirements to increase the Fiscal Year 2001 Budget in the amount of \$611,124.00 (Six Hundred Eleven Thousand, One Hundred Twenty-Four Dollars), and such increase is hereby approved this 8th day of August, 2000, by the Board of County Commissioners of St. Mary's County, Maryland.

Those voting Aye: All
Those voting Nay: _____
Those Absent: _____

Date of Adoption: 8/8/00
Effective Date: 8/8/00

BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND

Julie B. Randall
Julie B. Randall, President

Joseph F. Anderson
Joseph F. Anderson, Commissioner

Shelby P. Guazzo
Shelby P. Guazzo, Commissioner

Thomas A. Mattingly
Thomas A. Mattingly, Commissioner

Daniel H. Raley
Daniel H. Raley, Commissioner

ATTEST.
Alfred A. Lacer
Alfred A. Lacer
County Administrator

L. Jeannett Cudmore
L. Jeannett Cudmore
Acting Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
Patrick B. Murphy
Patrick B. Murphy
Acting County Attorney

RECORDING FEE 0.00
TOTAL 0.00
Res#3403 Rpt#399999
EMA LP 8/14/00
AUG 14, 2000 01:27 PM

BOOK 0016 PAGE 0084

RESOLUTION NO: 2000-21

SUBJECT: PROPERTY ACQUISITION
Lexington Park Library

RESOLUTION

WHEREAS, pursuant to Article 25, Section 11A(a)(1)(i) of the Annotated Code of Maryland, the Board of County Commissioners for St. Mary's County, Maryland is authorized to acquire any property, or any interest therein, by purchase, gift, devise, bequest, condemnation or otherwise, for any public purpose; and

WHEREAS, after negotiations with the Board of County Commissioners, the property owners of property described as Lot 1 and Outlot A-1 on a Simplified Subdivision Plat recorded in the Plat Records of St. Mary's County at Liber EWA 50, Folio 103 (the "Property"), attached hereto as Exhibit A, have transferred title to the Property to the Board of County Commissioners by deeds recorded in the Land Records of St. Mary's County at Liber EWA 1565, Folio 466 and Liber EWA 1565, Folio 469; and

WHEREAS, the Board of County Commissioners has determined that Lot 1 shall accommodate a new public library facility for Lexington Park and Outlot A-1 shall be used as public right-of-way; and

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners for St. Mary's County accepts the deeds transferring the Property to the Board of County Commissioners described herein on terms and conditions as stated in the same.

Date of Adoption: 8/29/00

Ayes: 2-2

Nays:

Abstain:

RECORDING FEE 9.00
TOTAL 8.00
Rest#000 Rest#333333
EWA FL 214718
Sep 01: 2000 09:00 am

Effective Date: 8/29/00

ATTEST:


ALFRED W. LACER
County Administrator

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


PATRICK B. MURPHY
Acting County Attorney

BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY, MARYLAND


JULIE B. RANDALL, President


JOSEPH F. ANDERSON, Commissioner


SHELBY P. GUAZZO, Commissioner


THOMAS A. MATTINGLY, Sr., Commissioner


DANIEL H. RALEY, Commissioner

BOOK 0016 PAGE 0085

**SUBJECT: WATER QUALITY BOND OF 2000
FOR THE PUBLIC PURPOSES OF FINANCING
OR REFINANCING THE ST. ANDREWS
LANDFILL CLOSURE**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY, MARYLAND**

A RESOLUTION AUTHORIZING AND EMPOWERING COUNTY COMMISSIONERS OF ST. MARY'S COUNTY TO ISSUE AND SELL, UPON ITS FULL FAITH AND CREDIT, ITS GENERAL OBLIGATION BOND IN AN AMOUNT NOT TO EXCEED \$3,700,000 TO BE KNOWN AS THE "COUNTY COMMISSIONERS OF ST. MARY'S COUNTY WATER QUALITY BOND OF 2000," PURSUANT TO THE PROVISIONS OF CHAPTER 77 OF THE LAWS OF MARYLAND OF 1998, AS AMENDED, CHAPTER 86 OF THE LAWS OF MARYLAND OF 1999, AS AMENDED, CHAPTER 129 OF THE LAWS OF MARYLAND OF 2000, AS AMENDED, AND SUBTITLE 16 OF TITLE 9 OF THE ENVIRONMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS AMENDED, FOR THE PUBLIC PURPOSES OF FINANCING OR REFINANCING THE ST. ANDREWS LANDFILL CLOSURE IN ST. MARY'S COUNTY; PROVIDING THAT THE BOND SHALL BE SOLD BY PRIVATE (NEGOTIATED) SALE TO THE MARYLAND WATER QUALITY FINANCING ADMINISTRATION; PRESCRIBING THE TERMS AND CONDITIONS OF SAID BOND AND UPON WHICH SAID BOND SHALL BE ISSUED AND SOLD AND OTHER INCIDENTAL DETAILS WITH RESPECT THERETO; AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT IN CONNECTION WITH THE ISSUANCE OF SUCH BOND; PROVIDING THAT, IN THE EVENT THAT FUNDS AVAILABLE TO THE COUNTY ARE INSUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BOND THAT THE BOARD OF COUNTY COMMISSIONERS FOR ST. MARY'S COUNTY SHALL LEVY AND COLLECT AD VALOREM TAXES UPON ALL THE LEGALLY ASSESSABLE PROPERTY WITHIN ST. MARY'S COUNTY SUFFICIENT TO PROVIDE FOR SUCH PAYMENTS WHEN DUE; AND GENERALLY PROVIDING FOR THE ISSUANCE OF SAID BOND.

RECORDING FEE 9.00
TOTAL 0.00
Res#3402 Rcpt#399999
EWA LP BIK#481
Sep 20, 2000 03:02 PM

RECITALS

WHEREAS, Chapter 77 of the Laws of Maryland of 1998, Chapter 86 of the Laws of Maryland of 1999 and Chapter 129 of the Laws of Maryland of 2000 (collectively, the "Acts") authorize and empower County Commissioners of St. Mary's County, a body politic and corporate and a political subdivision of the State of Maryland (the "County") to issue and sell bonds upon its full faith and credit to provide funds to finance the cost of certain public facilities in St. Mary's County and to finance such construction by the issuance and sale of its general obligation bonds in an aggregate principal amount not to exceed \$55,000,000. The County has previously issued bonds in the aggregate amount of \$11,855,000 pursuant to Chapter 77 of the Laws of Maryland of 1998. Authorization for bonds in an aggregate amount not to exceed \$43,145,000 remains under the Acts.

WHEREAS, pursuant to the authority granted by the Acts, the Board of County Commissioners for St. Mary's County, Maryland (the "Board") has determined that it is in the best interests of the residents of St. Mary's County to issue and sell the general obligation bond of the County in an aggregate principal not to exceed \$3,700,000 to finance or refinance certain public facilities in St. Mary's County.

WHEREAS, Subtitle 16 of Title 9 of the Environment Article of the Annotated Code of Maryland, as amended (the "MWQFA Act") authorizes the County to sell its bonds by private (negotiated) sale to the Maryland Water Quality Financing Administration (the "Administration").

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR ST. MARY'S COUNTY, MARYLAND:

Section 1. Pursuant to the authority of the Acts, and acting by and through the Board, the County shall borrow on its full faith and credit a sum not to exceed \$3,700,000 in order to provide funds to finance or refinance the costs of the St. Andrews Landfill Closure project (Project No. SW-7316) (the "Project") and certain costs of issuance related thereto,

The Board further covenants that it will comply with said Section 148 and said regulations and such other requirements of the Code which are applicable to the Bond on the date of issuance of the Bond and which may subsequently lawfully be made applicable to the Bond.

The Board will hold and shall invest Bond Proceeds within its control (if such proceeds are invested) in accordance with the expectations set forth in said certificate.

The Board shall make timely payment of any rebate amount or payment in lieu thereof (or installment thereof) required to be paid to the United States of America in order to preserve the exclusion from gross income for purposes of federal income taxation of interest on the Bond and shall include with any such payment such other documents, certificates or statements as shall be required to be included therewith under then applicable law and regulations.

The Director of Finance may execute a certificate or certificates supplementing or amending said certificate, and actions taken by the Board subsequent to the execution of such certificate shall be in accordance with said certificate as amended or supplemented; provided, however, that the Board shall execute any such certificate only upon receipt by it of an opinion of Bond Counsel addressed to the Board to the effect that actions taken by the Board in accordance with the amending or supplementing certificate will not adversely affect the exclusion from gross income for federal income taxation purposes of interest on the Bond.

Section 8. The Board hereby covenants with the owners from time to time of the Bond that it shall not take or cause to be taken any action or fail to take any action, the taking of which or the omission of which, under the law existing on the date of issuance of the Bond, or which may subsequently lawfully be made applicable to the Bond, would cause the interest on the Bond to become subject to federal income taxation.

Section 9. For the purposes of paying the interest on and principal of the Bond when due, the Board shall levy or cause to be levied, for each and every fiscal year during which the Bond may be outstanding, upon all real and tangible personal property within its corporate limits subject to assessment for unlimited County taxation, *ad valorem* taxes in rate and amount sufficient to provide for the payment, when due, of the principal of and interest on the Bond coming due in each such fiscal year; and, if the proceeds from the taxes so levied in any fiscal year are inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up such deficiency. The full faith and credit and unlimited taxing power of the County are hereby irrevocably pledged to the prompt payment of the principal of and interest on the Bond hereby authorized as and when such principal and interest comes due and to the levy and collection of the taxes hereinabove prescribed as and when such taxes may become necessary in order to provide sufficient funds to meet the debt service requirements of said Bond. The Board hereby solemnly covenants with each of the registered owners from time to time of said Bond to take all action as may be appropriate from time to time during the period that the Bond remains outstanding and unpaid to provide the funds necessary to make said principal and interest payments. The Board further covenants and agrees with each of the registered owners from time to time of said Bond to levy and collect the taxes hereinabove prescribed.

The Board may apply to the payment of the principal of and interest on the Bond any funds received by it and available for such purpose from the State of Maryland, the United States of America, any agency or instrumentality thereof, or from any other source, and, to the extent any such funds are received or receivable in any fiscal year, taxes that might otherwise be required to be levied hereunder may be reduced or need not be levied.

Section 10. The President of the Board and all other Commissioners, the County Administrator, the Director of Finance, the Acting County Attorney and such other officers, officials and employees of the County as the President shall designate, are authorized hereby to do any and all things, execute all instruments, documents and certificates, and otherwise take all action necessary, proper, or expedient in connection with the issuance, sale and delivery of the Bond and the execution and delivery of the Loan Agreement in conformance with this Resolution. The President of the Board and all other Commissioners, the County Administrator, the Director of Finance, the Acting County Attorney and all other officers, officials and employees of the County are authorized and directed hereby to do all

acts and things required of them by the provisions hereof, of the Bond and of the Loan Agreement for the full, punctual, and complete performance of all of the terms, covenants, provisions and agreements of this Resolution, the Loan Agreement and the Bond, including, without limitation, the payment when due of the Annual Administrative Fee (as defined in the Loan Agreement). The Finance Director is further authorized to execute proper Cash Draw Requests on behalf of the County and the Board and to arrange a method and means of accepting payment from the Administration under the Loan Agreement, which may include, but not be limited to, electronic fund transfer.


Section 11. The President of the Board may execute and deliver the Loan Proceeds Questionnaire in substantially the form of Exhibit C attached hereto and made a part hereof, subject to such insubstantial additions, deletions and amendments as may be approved by the President, her execution and delivery thereof to constitute conclusive evidence of her approval of any such additions, deletions and amendments.

Section 12. This Resolution shall take effect from the date of its adoption, as written below.

Adopted this 5th day of September, 2000.

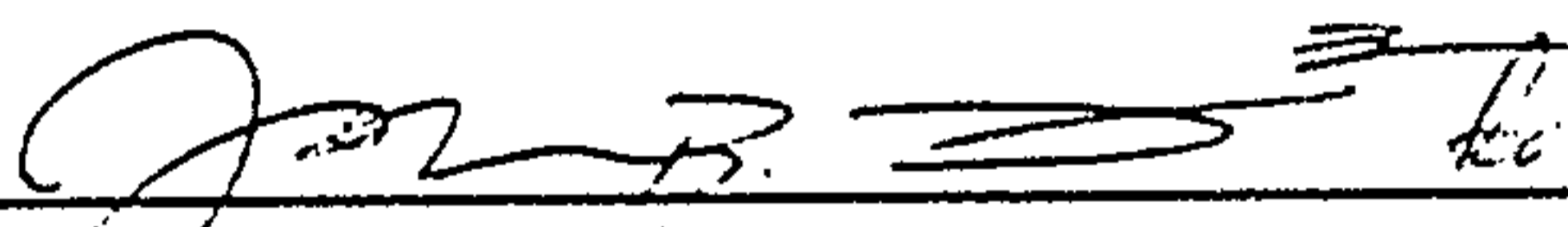
(SEAL)

ATTEST:



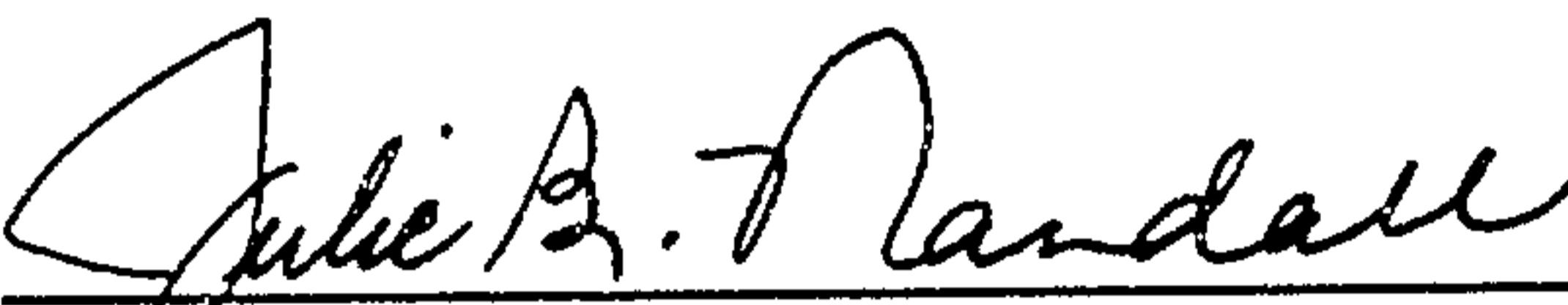
Alfred A. Lacer
County Administrator

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

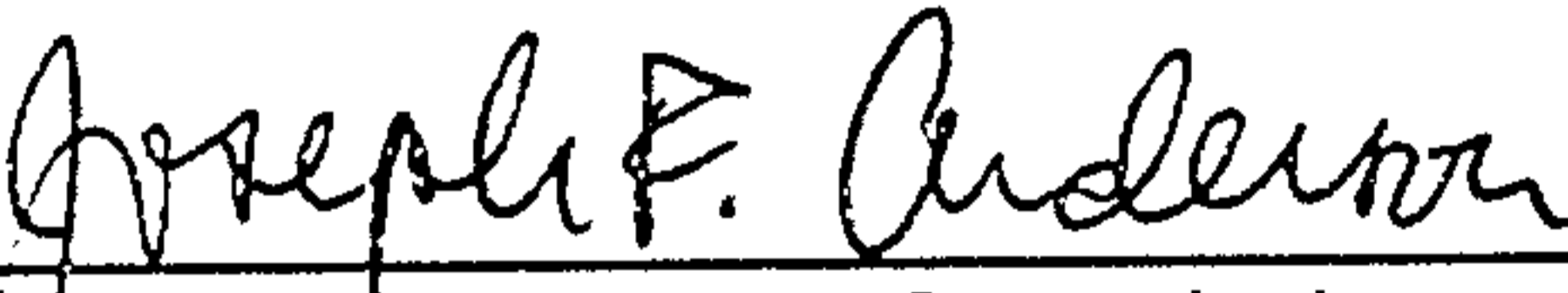


Patrick B. Murphy,
Acting County Attorney


BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY, MARYLAND



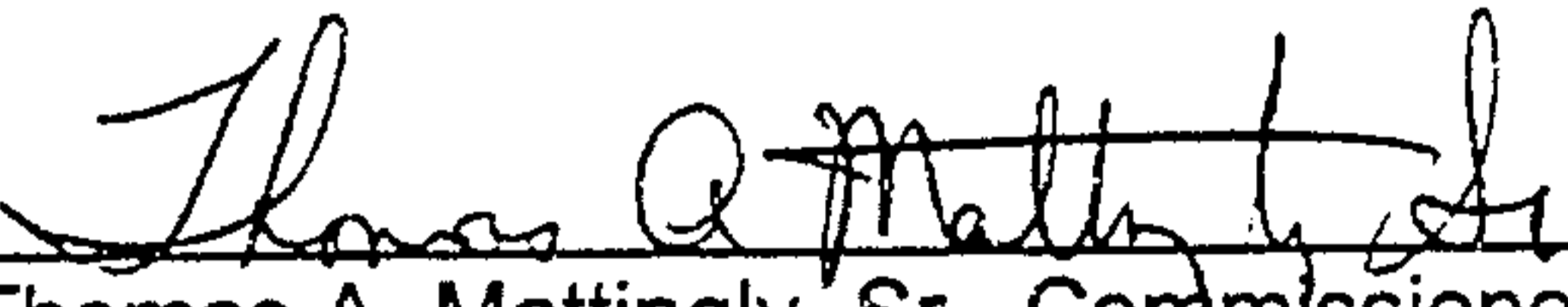
Julie B. Randall, President



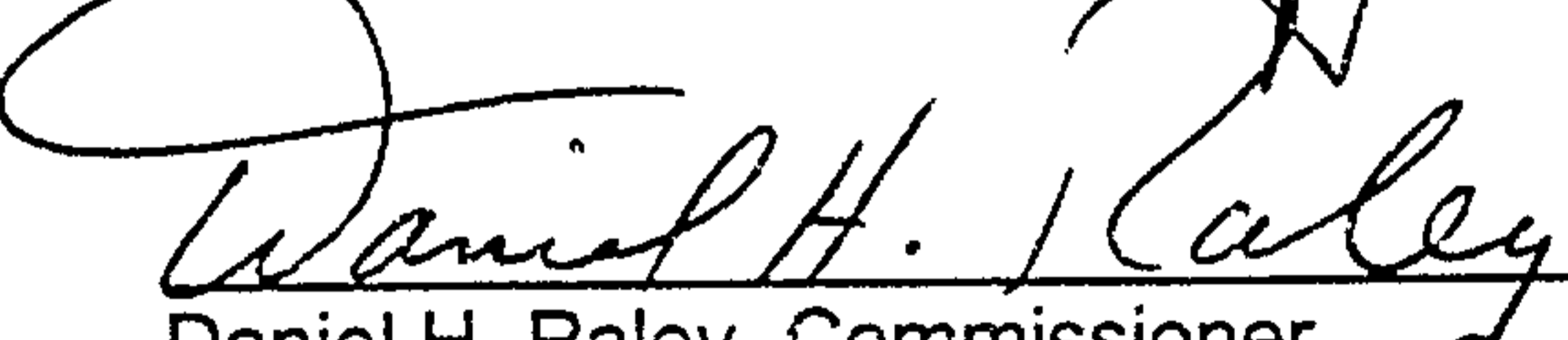
Joseph F. Anderson, Commissioner



Shelby P. Guazzo, Commissioner



Thomas A. Mattingly, Sr., Commissioner



Daniel H. Raley, Commissioner

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EXHIBIT A
Form of Bond

BOOK 0010 PAGE 0038

\$(MAX. AMT.)

R-1

REGISTERED

UNITED STATES OF AMERICA
STATE OF MARYLAND

[NAME OF BORROWER]
WATER QUALITY BOND, SERIES 2000
Dated _____, 2000

PAYMENTS OF PRINCIPAL AND INTEREST ON THIS BOND ARE MADE BY CHECK, DRAFT OR ELECTRONIC FUNDS TRANSFER TO THE REGISTERED OWNER AND IT CANNOT BE DETERMINED FROM THE FACE OF THIS BOND WHETHER ALL OR ANY PART OF THE PRINCIPAL OF OR INTEREST ON THIS BOND HAS BEEN PAID.

REGISTERED OWNER: Maryland Water Quality Financing Administration

_____, a [body politic and corporate] [municipal corporation] [other appropriate description] of the State of Maryland (the "Borrower"), hereby acknowledges itself obligated to pay to the Registered Owner shown above, the principal amount of \$_____ (the "Maximum Principal Amount") or so much thereof as shall have been advanced from time to time under the terms of the Loan Agreement dated as of _____, 2000 (the "Loan Agreement") by and between the Borrower and the Maryland Water Quality Financing Administration (the "Administration"), plus interest on the unpaid principal advanced under the terms of the Loan Agreement at the rate of _____ per centum (___%) per annum.

The principal advanced under the Loan Agreement shall be paid in installments on the dates and in the amounts as set forth in the following schedule, as such schedule may be amended in accordance with the terms hereof:

F-1

Due [February 1]	Principal Amount	Due [February 1]	Principal Amount
2001		2011	
2002		2012	
2003		2013	
2004		2014	
2005		2015	
2006		2016	
2007		2017	
2008		2018	
2009		2019	
2010		2020	

If the Administration determines at any time to reduce the maximum amount of the Loan Commitment (as defined in the Loan Agreement) in accordance with Section 3.08 of the Loan Agreement, the Maximum Principal Amount shall be reduced accordingly and the Maximum Principal Amount as so reduced shall be amortized in accordance with Section 3.08 of the Loan Agreement. The Administration shall deliver, and the Borrower shall acknowledge in writing, a certificate setting forth such reamortized payment schedule, which shall be attached hereto and shall replace and supersede for all purposes the foregoing payment schedule. Any such reduction shall not affect the obligation of the Borrower to pay the principal of and interest on this bond as and when the same shall become due.

Notwithstanding the foregoing, all outstanding unpaid principal amounts advanced under the Loan Agreement, if not previously due hereunder, shall be due on that date which is 20 years after the date of completion of the Project (as defined in the Loan Agreement), as certified by the Borrower to the Administration pursuant to Section 2.02(d) of the Loan Agreement.

Interest due on the unpaid principal amounts advanced under the Loan Agreement shall accrue on the basis of a 30-day month, 360-day year from the date of the respective advances of such principal amount, and shall be paid on _____, 2000, and semiannually thereafter on the 1st day of _____ and _____ in each year until the principal amount hereof has been paid.

This bond is subject to prepayment only in accordance with Section 3.10 of the Loan Agreement.

Both the principal of and interest on this bond will be paid to the registered owner in lawful money of the United States of America, at the time of payment, and will be paid by electronic funds

transfer, or by check or draft mailed (by depositing such check or draft, correctly addressed and postage prepaid, in the United States mails on or before the payment date) to the registered owner at such address as the registered owner may designate from time to time by a notice in writing delivered to the [INSERT BORROWER'S AUTHORIZED OFFICER].

This bond is issued pursuant to and in full conformity with the provisions of [INSERT BORROWER'S LOCAL ACT(S)] and the Maryland Water Quality Financing Administration Act (codified as Sections 9-1601 to 9-1622, inclusive, of the Environment Article of the Annotated Code of Maryland, as amended), and by virtue of due proceedings had and taken by the Borrower, particularly a resolution (numbered ____) adopted by [INSERT BORROWER'S AUTHORIZING ORDINANCE OR RESOLUTION] (collectively, the "Resolution").

This bond, together with the Loan Agreement, evidences the Loan (as defined in the Loan Agreement) to the Borrower from the Maryland Water Quality Financing Administration. In accordance with the Loan Agreement, the principal amount of the Loan, being the amount denominated as principal under this bond, is subject to reduction or adjustment by the Administration in accordance with the Loan Agreement.

The full faith and credit and unlimited taxing power of the Borrower are hereby irrevocably pledged to the prompt payment of the principal of and interest on this bond according to its terms, and the Borrower does hereby covenant and agree to pay the principal of and interest on this bond at the dates and in the manner prescribed herein.

This bond is transferable only after the first principal payment date as set forth above or the date upon which the Maximum Principal Amount has been borrowed, whichever is earlier, upon the books of the Borrower at the office of the [INSERT BORROWER'S AUTHORIZED OFFICERS] by the registered owner hereof in person or by his attorney duly authorized in writing, upon surrender hereof, together with a written instrument of transfer satisfactory to the [INSERT BORROWER'S AUTHORIZED OFFICER], duly executed by the registered owner or his duly authorized attorney. The Borrower shall, within a reasonable time, issue in the name of the transferee a new registered bond or bonds, in such denominations as the Borrower shall by resolution approve in an aggregate principal amount equal to the unpaid principal amount of the bond or bonds surrendered and with the same maturities and interest rate. If more than one bond is issued upon any such transfer, the installment of principal and interest to be paid on each such bond on each payment date shall be equal to the product of the following formula: the total installment due on each payment date multiplied by a fraction, the numerator of which shall be the principal amount of such bond and the denominator of which shall be the aggregate principal amount of bonds then outstanding and unpaid. The new bond or bonds shall be delivered to the transferee only after payment of any taxes on and any shipping or insurance expenses relating to such transfer. The Borrower may deem and treat the party in whose name this bond is registered as the absolute owner hereof for the purpose of receiving payment of or on account of the principal hereof and interest due hereon and for all other purposes.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of Maryland and the Resolution to exist, to have happened or to have been performed precedent to or in the issuance of this bond, exist, have happened and have been performed, and that the issuance of this bond, together with all other indebtedness of the Borrower, is within every debt and other limit prescribed by said Constitution or statutes.

IN WITNESS WHEREOF, this bond has been executed by the manual signature of the [INSERT AUTHORIZED OFFICERS] and the seal of the Borrower has been affixed hereto, attested by the manual signature of the [INSERT AUTHORIZED OFFICER], all as of the ___ day of ____, 2000.

(SEAL)

ATTEST:

[OFFICER]

By: _____
[OFFICER]

Due
[February 1] Principal
Amount

Due
[February 1]

Principal
Amount

2001
2002
2003
2004
2005
2006
2007
2008
2009
2010

2011
2012
2013
2014
2015
2016
2017
2018
2019
2020

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If the Administration determines at any time to reduce the maximum amount of the Loan Commitment (as defined in the Loan Agreement) in accordance with Section 3.08 of the Loan Agreement, the Maximum Principal Amount shall be reduced accordingly and the Maximum Principal Amount as so reduced shall be amortized in accordance with Section 3.08 of the Loan Agreement. The Administration shall deliver, and the Borrower shall acknowledge in writing, a certificate setting forth such reamortized payment schedule, which shall be attached hereto and shall replace and supersede for all purposes the foregoing payment schedule. Any such reduction shall not affect the obligation of the Borrower to pay the principal of and interest on this bond as and when the same shall become due.

Notwithstanding the foregoing, all outstanding unpaid principal amounts advanced under the Loan Agreement, if not previously due hereunder, shall be due on that date which is 20 years after the date of completion of the Project (as defined in the Loan Agreement), as certified by the Borrower to the Administration pursuant to Section 2.02(d) of the Loan Agreement.

Interest due on the unpaid principal amounts advanced under the Loan Agreement shall accrue on the basis of a 30-day month, 360-day year from the date of the respective advances of such principal amount, and shall be paid on _____, 2000, and semiannually thereafter on the 1st day of _____ and _____ in each year until the principal amount hereof has been paid.

This bond is subject to prepayment only in accordance with Section 3.10 of the Loan Agreement.

Both the principal of and interest on this bond will be paid to the registered owner in lawful money of the United States of America, at the time of payment, and will be paid by electronic funds

transfer, or by check or draft mailed (by depositing such check or draft, correctly addressed and postage prepaid, in the United States mails on or before the payment date) to the registered owner at such address as the registered owner may designate from time to time by a notice in writing delivered to the [INSERT BORROWER'S AUTHORIZED OFFICER].

This bond is issued pursuant to and in full conformity with the provisions of [INSERT BORROWER'S LOCAL ACT(S)] and the Maryland Water Quality Financing Administration Act (codified as Sections 9-1601 to 9-1622, inclusive, of the Environment Article of the Annotated Code of Maryland, as amended), and by virtue of due proceedings had and taken by the Borrower, particularly a resolution (numbered ____) adopted by [INSERT BORROWER'S AUTHORIZING ORDINANCE OR RESOLUTION] (collectively, the "Resolution").

This bond, together with the Loan Agreement, evidences the Loan (as defined in the Loan Agreement) to the Borrower from the Maryland Water Quality Financing Administration. In accordance with the Loan Agreement, the principal amount of the Loan, being the amount denominated as principal under this bond, is subject to reduction or adjustment by the Administration in accordance with the Loan Agreement.

The full faith and credit and unlimited taxing power of the Borrower are hereby irrevocably pledged to the prompt payment of the principal of and interest on this bond according to its terms, and the Borrower does hereby covenant and agree to pay the principal of and interest on this bond at the dates and in the manner prescribed herein.

This bond is transferable only after the first principal payment date as set forth above or the date upon which the Maximum Principal Amount has been borrowed, whichever is earlier, upon the books of the Borrower at the office of the [INSERT BORROWER'S AUTHORIZED OFFICERS] by the registered owner hereof in person or by his attorney duly authorized in writing, upon surrender hereof, together with a written instrument of transfer satisfactory to the [INSERT BORROWER'S AUTHORIZED OFFICER], duly executed by the registered owner or his duly authorized attorney. The Borrower shall, within a reasonable time, issue in the name of the transferee a new registered bond or bonds, in such denominations as the Borrower shall by resolution approve, in an aggregate principal amount equal to the unpaid principal amount of the bond or bonds surrendered and with the same maturities and interest rate. If more than one bond is issued upon any such transfer, the installment of principal and interest to be paid on each such bond on each payment date shall be equal to the product of the following formula: the total installment due on each payment date multiplied by a fraction, the numerator of which shall be the principal amount of such bond and the denominator of which shall be the aggregate principal amount of bonds then outstanding and unpaid. The new bond or bonds shall be delivered to the transferee only after payment of any taxes on and any shipping or insurance expenses relating to such transfer. The Borrower may deem and treat the party in whose name this bond is registered as the absolute owner hereof for the purpose of receiving payment of or on account of the principal hereof and interest due hereon and for all other purposes.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of Maryland and the Resolution to exist, to have happened or to have been performed precedent to or in the issuance of this bond, exist, have happened and have been performed, and that the issuance of this bond, together with all other indebtedness of the Borrower, is within every debt and other limit prescribed by said Constitution or statutes.

IN WITNESS WHEREOF, this bond has been executed by the manual signature of the [INSERT AUTHORIZED OFFICERS] and the seal of the Borrower has been affixed hereto, attested by the manual signature of the [INSERT AUTHORIZED OFFICER], all as of the ___ day of ___, 2000.

(SEAL)

ATTEST:

[OFFICER]

By: _____
[OFFICER]

EXHIBIT B

Form of Loan Agreement

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LOAN AGREEMENT

By and Between

MARYLAND WATER QUALITY
FINANCING ADMINISTRATION

and

"Insert Name of Entity"

Dated as of , 2000

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THIS LOAN AGREEMENT, made this _____ day of _____, 2000 between the Maryland Water Quality Financing Administration (the "Administration"), a unit of the Department of the Environment (the "Department") of the State of Maryland (the "State"), and "Insert Name of Entity", a _____ of the State (the "Borrower").

RECITALS

Title VI of the Federal Water Pollution Control Act (commonly known as the "Clean Water Act"), as amended by the Water Quality Act of 1987 ("Title VI"), authorizes the Environmental Protection Agency ("EPA") to award grants to qualifying States to establish and capitalize State water pollution control revolving funds ("SRFs") for the purpose of providing loans and certain other forms of financial assistance (but not grants) to finance, among other things, the construction and improvement of publicly-owned wastewater treatment facilities and the implementation of estuary conservation management plans and nonpoint source management programs.

As contemplated by Title VI, the General Assembly of the State at its 1988 session enacted the Maryland Water Quality Financing Administration Act, codified at Sections 9-1601 through 9-1622 of the Environment Article of the Annotated Code of Maryland, as amended (the "Act"), establishing an SRF designated the Maryland Water Quality Revolving Loan Fund (the "Fund") to be maintained and administered by the Administration. The Act authorizes the Administration, among other things, to make a loan from the Fund to a "local government" (as defined in the Act) for the purpose of financing all or a portion of the cost of a "wastewater facility" project (as defined in the Act).

The Borrower, which is a "local government" within the meaning of the Act, has applied to the Administration for a loan from the Fund to assist in the financing of a certain project or projects of the Borrower (the "Project," as defined herein) which constitutes a "wastewater facility" within the meaning of the Act. The Project is one designated for funding in an Intended Use Plan promulgated by the Administration in accordance with regulations issued by the EPA pursuant to Title VI, and the Project conforms to the applicable "county plan" adopted pursuant to the requirements of Subtitle 5 of Title 9 of the Environment Article of the Annotated Code of Maryland, as amended.

The Director of the Administration has determined that the making of a loan to the Borrower for the purpose of assisting the financing of the Project, on the terms and conditions hereinafter set forth, is necessary and desirable in the public interest, will promote the health, safety and welfare of the inhabitants of the State and the United States by assisting in the prevention of pollution of the environment, and will further the purposes of Title VI and the Act.

The Act authorizes the Administration, subject to the prior approval of the Secretary of the Department and the Board of Public Works, to issue its revenue bonds for the purpose of providing monies for deposit to the Fund. The Administration may issue and sell one or more series of such revenue bonds (the "Bonds") for the purpose of providing monies for deposit to the Fund in an amount sufficient, together with certain other monies expected to be available for that purpose, to enable the Administration to make, or reimburse the Administration for making, a loan to the Borrower and certain other entities to assist in the financing of projects, all as contemplated by the Administration's Intended Use Plan. The revenues from this loan and such other loans, whether or not funded from the proceeds of Bonds, may be pledged by the Administration to secure Bonds.

NOW THEREFORE, in consideration of the mutual promises and covenants hereinafter set forth and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Borrower and the Administration, each intending to be legally bound, hereby agree as follows:

ARTICLE I

DEFINITIONS

Section 1.01. Definitions. Unless specifically provided otherwise or the context otherwise requires, when used in this Agreement:

"Act" means the Maryland Water Quality Financing Administration Act, Sections 9-1601 through 9-1622 of the Environment Article, Annotated Code of Maryland, and all acts supplemental thereto or amendatory thereof.

"Administration" means the Maryland Water Quality Financing Administration, a unit of the Department of the Environment of the State, and its successors and assigns.

"Administrative Fee" means the fee payable by the Borrower pursuant to this Agreement for the general administrative services and other functions and expenses of the Administration.

"Agreement" means this Loan Agreement, including the Exhibits attached hereto and any amendments hereto.

"Application" means the application for the Loan submitted by the Borrower to the Administration, together with any amendments thereto.

"Authorized Officer" means, in the case of the Borrower, any person authorized by law or by a resolution of the governing body of the Borrower to perform any act or execute any document.

"Board" means the Board of Public Works of the State.

"Bonds" means any series of revenue bonds issued by the Administration under the Act.

"Bond Counsel" means a law firm acceptable to the Administration whose legal opinions are generally accepted by purchasers of municipal bonds.

"Borrower" means the local government (as defined in the Act) that is identified in the first paragraph of this Agreement, and its successors and assigns.

"Business Day" means a day other than a Saturday, Sunday, or day on which the offices of the Administration or commercial banks in the State are authorized or obligated to remain closed.

"Change Orders" means any amendments or modifications to any Plans and Specifications or any general construction contract for the Project.

"Clean Water Act" means the Water Pollution Control Act of 1972, PL 92-500, as amended, 33 U.S.C. §1251 et seq., and rules and regulations promulgated thereunder.

"Code" means the Internal Revenue Code of 1986, as amended from time to time, or any successor federal income tax statute or code, and the applicable regulations and rulings promulgated thereunder.

"Default" means an event or condition the occurrence of which would, with the lapse of time or the giving of notice or both, constitute an Event of Default.

"Department" means the Maryland Department of the Environment, and its successors.

"Director" means the Director of the Administration.

"Eligible Project Costs" means all those costs of the Project permitted by the Act to be funded by a loan from the Fund and which have been approved by the Director.

"EPA" means the United States Environmental Protection Agency, and its successors.

"Event of Default" means any occurrence or event specified in Section 4.01 hereof.

"Fiscal Year" means the period of 12 consecutive months commencing on July 1 in any calendar year and ending on June 30 of the succeeding calendar year.

"Fund" means the Maryland Water Quality Revolving Loan Fund.

"Governmental Authority" means the United States, the State of Maryland, or any of their political subdivisions, agencies, departments, commissions, boards, bureaus or instrumentalities, including any local authority having jurisdiction over the Project, and including EPA, the Department, the Board and the Administration.

"Indenture" means the indenture of trust, bond resolution or other trust agreement between the Administration and the Trustee, providing for the issuance of Bonds, as amended, modified or supplemented from time to time.

"Independent Counsel" means any attorney or attorneys duly admitted to practice law before the highest court of any state who have regularly engaged in the practice of law as their primary occupation for at least five years. Independent Counsel may also serve as Bond Counsel if it qualifies as Bond Counsel.

"Independent Public Accountant" means an individual, partnership or corporation engaged in the accounting profession, either entitled to practice, or having members or officers entitled to practice, as a certified public accountant under the laws of the State of Maryland and in fact independent.

"Loan" means the aggregate amounts which are advanced from time to time by the Administration to the Borrower pursuant to the terms and provisions of this Agreement.

"Loan Closing Date" means the date on which the Note is executed and delivered to the Administration.

"Loan Commitment" means that amount which the Administration is obligated to lend to the Borrower pursuant to the terms and provisions of this Agreement and subject to the satisfaction of the conditions set forth in this Agreement, as such amount may be adjusted as provided in this Agreement.

"Loan Proceeds Questionnaire and Certificate" means the Loan Proceeds Questionnaire and Certificate executed and provided by the Borrower in connection with the Loan, in form and substance satisfactory to the Administration.

"Loan Year" means the period beginning on the first February 1 on which principal of the Loan is payable and each February 1 thereafter and ending on the immediately succeeding January 31.

"Note" means the bond, note or other obligation executed and delivered by the Borrower to the Administration to evidence the Loan, such Note to be substantially in the form attached hereto as Exhibit F.

"Plans and Specifications" means the final plans and specifications for the construction of the Project prepared by the architect or engineer and approved by the Department.

"Project" means the project or projects of the Borrower described in Exhibit B to this Agreement.

"Project Budget" means the budget for the Project as set forth in Exhibit C to this Agreement, as revised in accordance with Section 2.02(d).

"Related Financing" means any bond, note, agreement or other instrument or transaction (other than this Agreement or the Note) pursuant to which the Borrower obtains any monies that may be expended to pay costs of the Project.

"Requirement" means any law, ordinance, code, order, rule or regulation of a Governmental Authority, including, without limitation, a condition set forth in a National Pollution Discharge Elimination System ("NPDES") permit or in a construction permit issued by the Department.

"State" means the State of Maryland.

"Tax-Exempt Bonds" means Bonds the interest on which is excludable from gross income for federal income tax purposes under the Code.

"Trustee" means the trustee for the Bonds.

Section 1.02. Rules of Construction. Unless the context clearly indicates to the contrary, the following rules shall apply to the construction of this Agreement:

- (a) words importing the singular number include the plural number and words importing the plural number include the singular number;
- (b) words of the masculine gender include correlative words of the feminine and neuter genders;
- (c) words importing persons include any individual, corporation, partnership, joint venture, association, joint stock company, trust, unincorporated organization or government or agency or political subdivision thereof;
- (d) the terms "agree" and "agreement" shall include and mean "covenant", and all agreements contained in this Agreement are intended to constitute covenants and shall be enforceable as such;
- (e) the headings and the Table of Contents set forth in this Agreement are solely for convenience of reference and shall not constitute a part of this Agreement or affect its meaning, construction or effect; and
- (f) any reference to a particular Article or Section shall be to such Article or Section of this Agreement unless the context shall otherwise require.

REPRESENTATIONS AND COVENANTS OF BORROWER

Section 2.01. Representations of Borrower. The Borrower represents for the benefit of the Administration as follows:

(a) Corporate Organization and Authority. The Borrower:

(i) is a "local government" as defined in the Act; and

(ii) has all requisite power and authority and all necessary licenses and permits required as of the date hereof to own and operate the Project, to enter into this Agreement, to execute and deliver the Note, and to carry out and consummate all transactions contemplated by this Agreement.

(b) Full Disclosure. There is no fact that the Borrower has not disclosed to the Administration in writing that materially adversely affects or (so far as the Borrower can now foresee) that will materially adversely affect the properties, activities, prospects or condition (financial or other) of the Borrower or the ability of the Borrower to make all payments due hereunder and otherwise perform its obligations under this Agreement and the Note.

(c) Pending Litigation. There are no proceedings pending, or to the knowledge of the Borrower threatened, against or affecting the Borrower in any court or before any Governmental Authority or arbitration board or tribunal that, if adversely determined, would materially adversely affect the properties, activities, prospects or condition (financial or other) of the Borrower, or the ability of the Borrower to make all payments due hereunder and otherwise perform its obligations under this Agreement and the Note, and that have not been disclosed in writing to the Administration in the Application or otherwise.

(d) Borrowing Legal and Authorized. The consummation of the transactions provided for in this Agreement and the Note and compliance by the Borrower with the provisions of this Agreement and the Note:

(i) are within its powers and have been duly authorized by all necessary action on the part of the governing body of the Borrower; and

(ii) will not result in any breach of any of the terms, conditions or provisions of, or constitute a default under, or result in the creation or imposition of any lien, charge or encumbrances upon any property or assets of the Borrower pursuant to, any indenture, loan agreement or other instrument (other than this Agreement and the Note) to which the Borrower is a party or by which the Borrower may be bound, nor will such action result in any violation of the provisions of laws, ordinances,

governmental rules, regulations or court orders to which the Borrower or its properties or operations is subject.

(e) No Defaults. No event has occurred and no condition exists that, upon execution of this Agreement and the Note or receipt of the Loan, would constitute a Default hereunder. The Borrower is not in violation, and has not received notice of any claimed violation, of any term of any agreement or other instrument to which it is a party or by which it or its property may be bound, which violation would materially adversely affect the properties, activities, prospects or condition (financial or other) of the Borrower or the ability of the Borrower to make all payments due hereunder and otherwise perform its obligations under this Agreement and the Note, and that have not been disclosed in writing to the Administration in the Application or otherwise.

(f) Governmental Consent: Project Consistency.

(i) The Borrower has obtained all permits and approvals required to date by any Governmental Authority for the making and performance by the Borrower of its obligations under this Agreement and the Note or for the Project and the financing thereof. No consent, approval or authorization of, or filing, registration or qualification with, any Governmental Authority that has not been obtained is required on the part of the Borrower as a condition to the execution and delivery of this Agreement and the Note or the consummation of any transaction herein contemplated.

(ii) The Project is consistent with (A) the local plan of the Borrower as contemplated under Section 5-7A-02 of the State Finance and Procurement Article of the Annotated Code of Maryland, as amended; (B) the State Economic Growth, Resource Protection, and Planning Policy established in Section 5-7A-01 of the State Finance and Procurement Article of the Annotated Code of Maryland, as amended; and (C) all applicable provisions of *Subtitle 7B; "Priority Funding Areas"* of Title 5 of the State Finance and Procurement Article of the Annotated Code of Maryland, as amended.

(g) No Conflicts. No member, officer, or employee of the Borrower, or its designees, or agents, no consultant, no member of the governing body of the Borrower or of any Governmental Authority, who exercises or has exercised any authority over the Project during such person's tenure, shall have any interest, direct or indirect, in any contract or subcontract, or its proceeds, in any activity, or benefit therefrom, which is part of the Project.

(h) Use of Proceeds. The Borrower will apply the proceeds of the Loan from the Administration as described in Exhibit B attached hereto and made a part hereof (i) to finance all or a portion of the Eligible Project Costs; and (ii) to reimburse the Borrower for all or a portion of the Eligible Project Costs paid or incurred prior to the date hereof in anticipation of reimbursement by the Administration (and subject to compliance with Section 2.02(1) of this Agreement). Except as provided in Sections 3.01 and 3.03(c) of this Agreement, before each and every advance of the proceeds of the Loan to the Borrower, the Borrower shall submit to the Administration a requisition meeting the requirements of Section 3.03 of this Agreement.

(i) Loan Closing Submissions. On or before the Loan Closing Date, the Borrower will cause to be delivered to the Administration each of the following items:

(i) an opinion of Independent Counsel, acceptable to the Administration, dated as of the Loan Closing Date, substantially in the form set forth in Exhibit D to this Agreement;

(ii) an opinion of Bond Counsel [who may rely, as to the validity of this Agreement and the Note, on the opinion of Independent Counsel referred to in (i)], dated as of the Loan Closing Date, and acceptable to the Administration, to the effect that (A) interest on the Loan and the Note will be excludable from gross income for purposes of federal income taxation and (B) interest on the Loan and the Note will not be included in the alternative minimum taxable income of individuals, corporations or other taxpayers as an enumerated item of tax preference or other specific adjustment;

(iii) fully executed counterparts of this Agreement, the Note and the Loan Proceeds Questionnaire and Certificate;

(iv) copies of the ordinance, resolution or other official action of the governing body of the Borrower authorizing the execution and delivery of this Agreement and the Note, certified by an appropriate officer of the Borrower;

(v) a certificate, dated as of the Loan Closing Date, signed by an Authorized Officer of the Borrower and in form satisfactory to the Administration, confirming the Borrower's obligations under and representations in the Loan Agreement and the Loan Proceeds Questionnaire and Certificate as of such date;

(vi) a requisition in an amount not less than the lesser of 5% of the Loan Commitment or \$50,000 for (i) reimbursement to the Borrower of Eligible Project Costs together with paid invoices supporting such reimbursement or (ii) payment to third-parties of currently due and payable invoices for Eligible Project Costs or (iii) a combination of (i) and (ii); and

(vii) such other certificates, documents, opinions and information as the Administration may require.

Section 2.02. Particular Covenants of the Borrower.

(a) Maintenance of Project; Insurance. The Borrower shall (i) keep, operate and maintain, or cause to be kept, operated and maintained, the Project in good working order, condition and repair; (ii) make or cause to be made all needed and proper replacements to the Project so that the Project will at all times be in good operating condition, fit and proper for the purposes for which it was originally erected or installed; (iii) not permit any waste of the Project; (iv) observe and

comply with, or cause to be observed and complied with, all Requirements; and (v) operate, or cause to be operated, the Project in the manner in which similar projects are operated by persons operating a first-class facility of a similar nature. The Borrower shall maintain or cause to be maintained at its sole cost and expense insurance with respect to the Project, both during its construction and thereafter, against such casualties and contingencies and in such amounts as are customarily maintained by governmental entities similarly situated and as are consistent with sound governmental practice.

(b) Sale or Disposition of Project. The Borrower reasonably expects that no portion of the Project will be sold prior to the final maturity date of the Loan. In the event that the Borrower shall sell or otherwise dispose of any portion of the Project prior to the final maturity date of the Loan, the Borrower shall apply the net proceeds thereof to the prepayment of the Loan or as the Administration shall otherwise direct unless (i) the Borrower shall have obtained the prior written consent of the Administration to some other proposed application of such net proceeds and (ii) there shall have been delivered to the Administration an opinion of Bond Counsel to the effect that, in the opinion of such firm, such proposed application of such net proceeds will not adversely affect the tax-exempt status for federal income tax purposes of the interest on any Tax-Exempt Bonds applicable to the Project or the Note.

(c) Inspections; Information. The Borrower shall permit the Administration or its designee to examine, visit and inspect, at any and all reasonable times (including, without limitation, any time during which the Project is under construction or in operation), the property constituting the Project, to attend all construction progress meetings relating to the Project and to inspect and make copies of any accounts, books and records, including (without limitation) its records regarding receipts, disbursements, contracts, investments and any other matters relating to the Project and the financing thereof, and shall supply such reports and information as the Administration may reasonably require in connection therewith. Without limiting the generality of the foregoing, the Borrower shall keep and maintain any books, records, and other documents that may be required under applicable federal and State statutes, regulations, guidelines, rules and procedures now or hereafter applicable to loans made by the Administration from the Fund, and as may be reasonably necessary to reflect and disclose fully the amount and disposition of the Loan, the total cost of the activities paid for, in whole or in part, with the proceeds of the Loan, and the amount and nature of all investments related to such activities which are supplied or to be supplied by other sources. All such books, records and other documents shall be maintained at the offices of the Borrower, as specified on Exhibit B attached hereto, for inspection, copying, audit and examination at all reasonable times by any duly authorized representative of the Administration. All such books, records and other documents shall be maintained until the completion of an audit of the Project by the EPA or notification from the State or the EPA that no audit is required.

(d) Completion of the Project; Payment of Excess Costs of the Project. The Borrower shall proceed diligently to complete the Project in accordance with the Plans and Specifications, and in accordance with any requirements set forth in the construction and NPDES permits. The Borrower shall satisfy all applicable Requirements for operation of the Project by the completion of the Project, and shall commence operation of the Project promptly upon its completion. No substantial changes may be made to the Plans and Specifications, the general

construction contract or the Project Budget, or in the construction of the Project without the prior written approval of the Administration in its discretion. The Borrower shall pay any amount required for the acquisition, construction and equipping of the Project in excess of the amount available to be loaned to the Borrower hereunder. Upon the completion of the Project, the Borrower shall deliver to the Administration a certificate of the Borrower certifying that the Project was completed as of the date set forth in such certificate.

(e) Cancellation of Loan. As provided by Section 9-1606(e) of the Act, the Borrower acknowledges and agrees that its obligation to make the payments due hereunder and under the Note is cancelable only upon repayment in full of the Loan, and that neither the Administration, the Secretary of the Department, nor the Board is authorized to forgive the repayment of all or any portion of the Loan.

(f) Dedicated Source of Revenue. Pursuant to the Clean Water Act, the Borrower has established one or more dedicated sources of revenue for repayment of the Loan, as described in Exhibit E attached hereto as a part hereof.

(g) Indemnification. To the extent permitted by law, the Borrower releases the Administration, the Fund, the Department, the Board and the State from, agrees that the Administration, the Fund, the Department, the Board and the State shall not have any liability for, and agrees to protect, indemnify and save harmless the Administration, the Fund, the Department, the Board and the State from and against, any and all liabilities, suits, actions, claims, demands, losses, expenses and costs of every kind and nature incurred by, or asserted or imposed against, the Administration, the Fund, the Department, the Board or the State, as a result of or in connection with the Project or the financing thereof. To the extent permitted by law, all money expended by the Administration, the Fund, the Department, the Board or the State as a result of such liabilities, suits, actions, claims, demands, losses, expenses or costs, together with interest at the rate provided in the Note from the date of such payment, shall constitute an additional indebtedness of the Borrower and shall be immediately and without notice due and payable by the Borrower to the Administration.

(h) Non-discrimination. The Borrower certifies that it does not discriminate, and covenants that it shall not discriminate, on the basis of (1) political or religious opinion or affiliation, marital status, race, color, creed or national origin, or (2) sex or age, except where sex or age constitutes a bona fide occupational qualification, or (3) the physical or mental handicap of a qualified handicapped individual. At such times as the Administration requests, the Borrower shall submit to the Administration information relating to the Borrower's operations, with regard to political or religious opinion or affiliation, marital status, physical or mental handicap, race, color, creed, sex, age, or national origin, on a form to be prescribed by the Administration.

(i) Compliance with Requirements. The Borrower acknowledges that the Loan and this Agreement are subject to, and the Borrower agrees to comply with, all Requirements applicable to the Project and the financing thereof, including (without limiting the generality of the foregoing) the Clean Water Act, the Act, and all other applicable State and federal statutes and such rules, regulations, orders and procedural guidelines as may be promulgated from time to time by the EPA, the Board, the Department, the Administration, or other Governmental Authority.

(j) Annual Audit. Within 150 days of the end of each Fiscal Year, the Borrower shall cause financial statements of the Borrower to be prepared with respect to such Fiscal Year in accordance with generally accepted accounting principles, applicable to governmental units, consistently applied, which financial statements shall be audited by, and accompanied by a report of, an Independent Public Accountant. Such financial statements and report shall be delivered upon completion to the Administration.

(k) Bonds Not to Be Arbitrage Bonds. The Administration expects to deliver on each date of issuance of each series of Tax-Exempt Bonds a certificate (such certificate, as it may be amended and supplemented from time to time in accordance with the Indenture, being referred to herein as the "Section 148 Certificate") that complies with the requirements of Section 148 of the Code or applicable successor provisions ("Section 148") and that states the Administration's reasonable expectations as to relevant facts, estimates and circumstances relating to the use of the proceeds of such Tax-Exempt Bonds or of any monies, securities or other obligations on deposit to the credit of any of the funds and accounts created by the Indenture or this Agreement or otherwise that may be deemed to be proceeds of the Tax-Exempt Bonds within the meaning of Section 148 (collectively, "Bond Proceeds"). The Borrower covenants to provide, or cause to be provided, such facts and estimates as the Administration reasonably considers necessary to enable it to execute and deliver its Section 148 Certificate including (but not limited to) those updates required in the Loan Proceeds Questionnaire and Certificate. The Borrower further covenants that (i) such facts and estimates will be based on its reasonable expectations on the date of issuance of the Tax-Exempt Bonds and will be, to the best of the knowledge of the officers of the Borrower providing such facts and estimates, true, correct and complete as of that date, and (ii) the Borrower will make reasonable inquiries to ensure such truth, correctness and completeness.

The Borrower covenants that it will not make, or (to the extent that it exercises control or direction) permit to be made, any use of the Bond Proceeds that would cause any of the Tax-Exempt Bonds to be "arbitrage bonds" within the meaning of Section 148. The Borrower further covenants that it will comply with those provisions of Section 148 that are applicable to the Tax-Exempt Bonds on the date of issuance of such Tax-Exempt Bonds and with those provisions of Section 148 that may subsequently be lawfully made applicable to such Bonds.

The Administration and the Borrower shall hold and invest Bond Proceeds within their control (if such proceeds are invested) in accordance with the expectations of the Administration set forth in the Section 148 Certificate. If the Administration is of the opinion upon receipt of advice of Bond Counsel that it is necessary further to restrict or limit the yield on the investment of any Bond Proceeds in order to avoid any of the Tax-Exempt Bonds being considered "arbitrage bonds" within the meaning of Section 148, the Borrower shall take such action as is necessary to restrict or limit the yield on such investment, irrespective of whether the Borrower is of the same or a different opinion. Upon the request of the Borrower and receipt of advice of Bond Counsel the Administration may, and upon receipt of an approving ruling from the Internal Revenue Service or a decision of a court of competent jurisdiction the Administration shall, take such action as is necessary to remove or modify a restriction or limitation on the yield on the investment of any Bond

Proceeds that was formerly deemed necessary. The Administration shall incur no liability in connection with action as contemplated herein so long as the Administration acts in good faith.

The Administration contemplates and will use its best efforts to provide for the payment of rebate or penalties in lieu of rebate with respect to the Tax-Exempt Bonds pursuant to Section 148 from the proceeds of the Tax-Exempt Bonds or investment earnings thereon. However, in the event that funds from this source are inadequate to provide for any such payment of rebate or such penalties, the Borrower agrees to pay to the Administration the portion of the rebate or penalties with respect to any Tax-Exempt Bonds fairly allocable to the Loan (as reasonably determined by the Administration) upon written request of the Administration accompanied by an explanation of the method for allocating any such penalties or rebate.

In addition, the Borrower covenants that it will not make, or (to the extent that it exercises control or direction) permit to be made, any use of the monies deemed to be proceeds of any other Tax-Exempt Bonds of the Administration that would cause any such Tax-Exempt Bonds to be "arbitrage bonds" within the meaning of Section 148. The Borrower further covenants that it will comply with those provisions of Section 148 that are applicable to such other Tax-Exempt Bonds on the date of issuance of such Tax-Exempt Bonds and with those provisions of Section 148 that may subsequently be lawfully made applicable to such Tax-Exempt Bonds. The Borrower shall have no obligation under this paragraph unless advised of such in writing by the Administration.

(l) Compliance With Loan Proceeds Questionnaire and Certificate. Without otherwise limiting the covenants or representations set forth in this Agreement or in the Loan Proceeds Questionnaire and Certificate, the representations set forth in Paragraphs 3 through 9, inclusive, and Paragraphs 11 through 14, inclusive, of the Loan Proceeds Questionnaire and Certificate are hereby incorporated as continuing representations of the Borrower, except to the extent that the Administration shall receive an opinion from Bond Counsel to the effect that any variation from such representations shall not adversely affect the excludability of interest on any Tax-Exempt Bonds from gross income for federal income tax purposes. The Borrower shall not take or permit to be taken any action or actions which would cause any Tax-Exempt Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code or which would otherwise cause interest on any Tax-Exempt Bonds to be includable in gross income for federal income tax purposes.

(m) Additional Disclosure Information. The Borrower agrees to provide the Administration with such information regarding the Borrower and its finances as the Administration may from time to time request. The Borrower further acknowledges that the Administration may issue one or more series of Bonds pursuant to the Indenture, and that any or all of such Bonds may be secured in part by repayments of the Borrower with respect to the Loan. The Borrower accordingly agrees to provide to the Administration such information regarding the Borrower and its finances as the Administration may from time to time request for inclusion in the official statements or other offering documents to be distributed in connection with the sale of any such Bonds or any annual disclosure document or other informational document prepared from time to time by the Administration to be made available to prospective purchasers or holders of any of such Bonds. The Borrower shall also furnish to the Administration at its request a certificate of an

Authorized Officer of the Borrower to the effect that any information so provided or included contains no material inaccuracy or omission in light of the purposes for which such information is provided or included. The Borrower agrees to notify the Administration promptly in writing of (a) any changes in the condition or affairs of the Borrower (financial or other) that would cause any information regarding the Borrower so provided or included in an official statement or any subsequent offering document, annual disclosure document or other informational document of the Administration that the Borrower has had an opportunity to review and certify as to its accuracy, to contain a material inaccuracy or omission in light of the purposes for which such information is so included, and (b) any event set forth in Securities and Exchange Commission Rule 15c2-12(b)(5)(i)(C), as such rule may be amended and supplemented.

(n) Related Financing. The Borrower agrees that the proceeds of any Related Financing shall be expended to pay costs of the Project on a monthly basis proportionately with the proceeds of the Loan, taking into account the total amount of the proceeds of such Related Financing available to pay costs of the Project and the maximum amount of the Loan Commitment. The Borrower agrees to provide the Administration upon its request with such information as the Administration deems reasonably necessary to determine whether the Borrower is in compliance with the provisions of this Section 2.02(n).

LOAN TO BORROWER: AMOUNTS PAYABLE; GENERAL AGREEMENTS

Section 3.01. The Loan. Subject to the provisions of Sections 3.02, 3.03 and 3.08 hereof, the Administration hereby agrees to advance amounts under this Agreement to the Borrower, and the Borrower agrees to borrow and accept from the Administration amounts advanced under this Agreement, in an aggregate principal amount not to exceed the maximum amount of the Loan Commitment set forth on Exhibit B attached hereto.

Section 3.02. Availability of Funds. The Administration expects to have, and shall use its best efforts to obtain and maintain, funds in an amount sufficient to make advances to the Borrower in accordance with the "Construction Cash Draw Schedule" included in Exhibit C attached hereto. The Borrower recognizes, however, that the Administration is a governmental entity with limited financial resources and that the Administration's ability to make such advances may be adversely affected by events or circumstances beyond the Administration's control. The Borrower accordingly assumes the risk that monies may not be available to make advances of the Loan to the Borrower, and, in such event, the Borrower specifically agrees that the Administration shall have no obligation to lend any amounts to the Borrower in excess of the amount theretofore advanced to the Borrower.

Section 3.03. (a) Requisitions and Disbursements. Amounts shall be loaned from time to time to pay, or reimburse the Borrower for the payment of, Eligible Project Costs, upon receipt of requisitions of the Borrower. Each such requisition shall (i) state the names of the payees, (ii) describe in reasonable detail the purpose of each payment, (iii) state the amount of each payment (supported by appropriate paid invoices or other evidence satisfactory to the Administration that the amount requisitioned has been paid or has been incurred by the Borrower and is then due), (iv) state that the amount so requisitioned constitutes a part of the Eligible Project Costs and (v) state that no Default or Event of Default under this Agreement has occurred and is continuing; provided, that this section shall not apply to advances made or deemed to have been made as provided in Section 3.03(c) hereof. In no event shall the Administration be obligated to advance to the Borrower any amount so long as any Default or Event of Default under this Agreement shall have occurred and be continuing. The Administration shall not be required to advance monies on more than one day in each month, and the Administration shall not be required to advance monies for the Project sooner than, or in an amount greater than, the schedule of disbursements for the Project shown on the "Construction Cash Draw Schedule" included in Exhibit C attached hereto. The Administration may require the Borrower to submit requisitions in advance of each such disbursement date in such manner as shall be reasonably acceptable to the Administration.

(b) Conditions Precedent. Before making the first advance of Loan proceeds, the Administration shall receive the following in form and content satisfactory to the Administration:

- (i) copies of the Plans and Specifications and of any Change Orders issued through the date of such advance, the general construction contract, and the Project Budget;
- (ii) a survey showing the location of existing and proposed easements, rights-of-way and improvements, and the perimeter boundaries of the land upon which the Project will be located, if any Loan proceeds are to be used for acquisition of the land;
- (iii) copies of all building permits, if any, pertaining to the Project;
- (iv) cost breakdown in trade form showing all subcontracts which represent at least 10 percent of the costs of the Project, and indicating use of the proceeds of the Loan therefor;
- (v) a fully executed copy of any contract for the purchase of real property constituting a portion of the Eligible Project Costs described in Exhibit C; and
- (vi) evidence satisfactory to the Administration that the conditions (if any) set forth in Exhibit A to this Agreement have been satisfied.

In addition, it shall be a condition precedent to the Administration's obligation to make any advance of Loan proceeds under this Agreement that no Default or Event of Default shall have occurred and be continuing at the time of any such advance.

(c) Interest During Construction. In the event that the Administration has consented to permit the Borrower to pay interest on the Loan from proceeds of the Loan during all or a portion of the period of time related to construction of the Project (as itemized in Exhibit C) ("Construction Period Interest"), the Administration shall on each February 1 and August 1 during such period advance to the Borrower an amount equal to the interest on the Loan due on such February 1 or August 1 and not theretofore paid by the Borrower. Any such amount of Construction Period Interest advanced by the Administration shall constitute part of the principal amount of the Loan hereunder immediately upon its advance to the Borrower in accordance with this paragraph. Notwithstanding the advance of any Construction Period Interest to the Borrower in accordance with this Section, the Borrower shall pay directly to the Administration the Administrative Fee on the dates and in the amounts set forth in Section 3.04(c), and no amounts shall be advanced under the Loan for the payment of the Administrative Fee.

Section 3.04. (a) Amounts Payable. The Borrower shall punctually repay the Loan in installments on the dates, in the amounts, and in the manner specified in the Note. The outstanding amount of the Loan shall bear interest at a rate per annum equal to the rate or rates of interest set forth in Exhibit B, and shall be payable in accordance with the amortization schedule as specified in Exhibit B attached hereto and more particularly set out in the Note (which amortization schedule is subject to adjustment in accordance with this Agreement and the Note). On or prior to

the Loan Closing Date, the Borrower shall execute the Note to evidence such obligation. In addition, the Borrower shall pay to the Administration an Administrative Fee in accordance with paragraph (c) of this Section.

(b) Late Charges. In addition to the payments of principal and interest on the Loan required by paragraph (a) of this Section, the Borrower shall pay (i) a late charge for any payment of principal or interest on the Loan that is received later than the tenth day following its due date, in an amount equal to 5% of such payment, and (ii) interest on overdue installments of principal and (to the extent permitted by law) interest at a rate equal to the Default Rate set forth in Exhibit B.

(c) Administrative Fee. (i) On the date specified in Exhibit B for the first payment of the Administrative Fee and on each August 1 thereafter that the Note remains outstanding and unpaid to and including the date of final maturity of the Note (each such date, an "Administrative Fee Payment Date"), the Borrower shall pay to the Administration an Administrative Fee. Subject to paragraph (iii) below, the Administrative Fee for any Administrative Fee Payment Date shall be the (A) Administrative Fee set forth in Exhibit B or (B) after any date on which the outstanding principal amount of the Loan Commitment is reduced by the Administration by a notice in writing to the Borrower in accordance with this Agreement (other than by reason of the repayment of the principal of the Loan) the Administrative Fee set forth in a notice from the Administration to the Borrower in connection with such reduction. Any adjustment of the Administrative Fee in accordance with the foregoing shall be prospective only, and the Administration shall in no event be obligated to refund any portion of any Administrative Fee payment theretofore received from the Borrower.

(ii) In prescribing the Administrative Fee for purposes of paragraph (i) above, the Administration shall employ the following formula, it being understood that any determinations as to the application of such formula shall be within the discretion of the Administration and any Administrative Fee Payment prescribed by the Administration in accordance with the foregoing shall be conclusive and binding upon the Administration and the Borrower: the Administrative Fee equals (A) the aggregate amount of all scheduled payments of principal of and interest on the Note, multiplied by the Percentage Rate (defined in paragraph (iii) below) then in effect, (B) divided by the total number of scheduled Administrative Fee Payment Dates. For example, if the aggregate amount of all scheduled payments of principal of and interest on the Note were \$5,000,000 and the Percentage Rate were 5%, and the total number of scheduled Administrative Fee Payment Dates were 21, the Administrative Fee would equal:

$$\frac{\$5,000,000 \times .05}{21} = \$11,904.76$$

(iii) The Percentage Rate for each Fiscal Year shall be fixed as a uniform rate for all borrowers receiving loans from the Fund in order to provide sufficient revenues to pay the expenses of the Administration, as approved in the operating budget of the State by the General Assembly of the State; provided, however, that in no event shall the Percentage Rate exceed five

percent (5%). In each Fiscal Year the Administration shall review the Percentage Rate then in effect and adjust it for the immediately succeeding Fiscal Year to reflect its approved budget for the immediately succeeding Fiscal Year, a retainage of not more than ten percent (10%) for an operating reserve within the Administration's general account, and other factors as reasonably determined by the Secretary. No later than June 1 following the end of the Session of the General Assembly in each Fiscal Year, the Administration shall notify the Borrower of the newly established Percentage Rate, which shall be the Percentage Rate applicable to the immediately succeeding Fiscal Year, and of any change in the amount of the Administrative Fee payable by the Borrower in such Fiscal Year as a result of the application of such Percentage Rate.

Section 3.05. Sources of Payment. (a) Dedicated Revenues. In accordance with Section 2.02(f) hereof, the principal of and interest on the Note, and any other amounts due from time to time under this Agreement, shall be payable in the first instance from the dedicated source of revenues described in Exhibit E attached hereto.

(b) General Obligation. In addition, the Note constitutes a general obligation of the Borrower, to the payment of which the full faith and credit and taxing power of the Borrower are pledged.

(c) State Withholding. As further security for the payment of the Note and any other amounts due hereunder, the Borrower hereby pledges the following to the Administration and grants a security interest therein to the Administration: (i) as authorized by Section 9-1606(d) of the Act, the Borrower's share of any and all income tax revenues collected by the State from time to time that would otherwise be payable to the Borrower, and (ii) to the maximum extent permitted by law, any and all other tax revenues, grants, and other monies that the Borrower is or may from time to time be entitled to receive from the State or that may at any time be due from the State, or any department, agency, or instrumentality of the State, to the Borrower. The Borrower further agrees that, upon the occurrence of an Event of Default, among other things, the State Comptroller and the State Treasurer may (i) withhold any such amounts that the Borrower is then or may thereafter be entitled to receive and (ii) at the direction of the Administration, apply the amounts so withheld to the payment of any amounts then due or thereafter becoming due hereunder (including, without limitation, payments under the Note) until the Borrower's obligations hereunder have been fully paid and discharged.

Section 3.06. Unconditional Obligations. The obligations of the Borrower to make payments under the Note as and when due and all other payments required hereunder and to perform and observe the other agreements on its part contained herein shall be absolute and unconditional, and shall not be abated, rebated, set-off, reduced, abrogated, terminated, waived, diminished, postponed or otherwise modified in any manner or to any extent whatsoever, regardless of any contingency, act of God, event or cause whatsoever, including (without limitation) any acts or circumstances that may constitute failure of consideration, eviction or constructive eviction, the taking by eminent domain or destruction of or damage to the Project, commercial frustration of purpose, any change in the laws of the United States of America or of the State or any political subdivision of either or in the rules or regulations of any Governmental Authority, any failure of the Administration, the Department or the State to perform or observe any agreement, whether express or implied, or any duty, liability or obligation arising out of or connected with the Project, this Agreement, or otherwise or any rights of set-off, recoupment, abatement or counterclaim that the Borrower might otherwise have against the Administration, the Department or the State or any other party or parties; provided, however, that payments hereunder shall not constitute a waiver of any such rights.

Section 3.07. Loan Commitment. The Borrower acknowledges and agrees that the monies attributable to the Borrower's Loan Commitment are the property of the Administration and are held by the Administration to provide for advances to be made to the Borrower in accordance with this Agreement. Without limiting the foregoing, the Borrower acknowledges and agrees that monies attributable to the Borrower's Loan Commitment may at the discretion of the Administration be pledged or applied to the payment of Bonds.

Section 3.08. Reduction of Loan Commitment. The Loan Commitment is subject to reduction in accordance with the provisions of this Section 3.08.

(a) Any portion of the Loan Commitment not advanced to the Borrower under Section 3.03 of this Agreement at the later of (1) two years from the date of this Agreement and (2) the earlier of one year following (i) actual completion of construction of the Project or (ii) the estimated completion date specified on Exhibit B attached hereto, shall no longer be available to be advanced to the Borrower and the amount of the Loan Commitment shall be reduced by an amount equal to the portion of the Loan Commitment not advanced, unless otherwise agreed to by the Administration in writing.

(b) The Administration may, by a notice in writing delivered to the Borrower, reduce the amount of the Loan Commitment if the Administration should for any reason determine that it will be unable to fund the full amount of the Loan Commitment (including, without limitation, a determination that the Eligible Project Costs to be paid with proceeds of the Loan are expected to be less than the maximum amount of the Loan Commitment), or if it determines that the Borrower is not proceeding satisfactorily and expeditiously with the Project in accordance with schedules and plans provided to the Administration, or if it determines that the Borrower is no longer able to make the certifications required under Section 3.03 in connection with the submission of requisitions. Such notice shall specify the reason for and the amount of the reduction.

(c) Any reduction in the amount of the Loan Commitment shall not affect the obligation of the Borrower to repay the Loan in accordance with the provisions of this Agreement and the Note.

(d) The Administration shall advise the Borrower in writing of any reduction in the amount of the Loan Commitment. In the event of any such reduction, the Borrower shall repay the Loan in accordance with such revised principal amortization schedule (prepared by applying such amount to reduce the installments of principal due under the Note in inverse order of payment, such that any such reduction is applied first to the last installment of principal due under the Note) as may be prescribed by the Administration in accordance with the provisions of the Note executed in connection therewith. The Administration may require, and the Borrower shall deliver, such certificates, documents, opinions and other evidence as the Administration may deem necessary or advisable in connection with any such reduction in the Loan Commitment. If a new Note is delivered in connection with any such reduction, the Administration shall cancel the Note initially delivered to the Administration by the Borrower pursuant to this Agreement.

Section 3.09. Disclaimer of Warranties. The Administration makes no warranty or representation, either express or implied, as to the value, design, condition, merchantability or fitness for particular purpose or fitness for use of the Project or any portion thereof or any other warranty with respect thereto. In no event shall the Administration be liable for any incidental, indirect, special or consequential damages in connection with or arising out of this Agreement or the Project or the existence, furnishing, functioning or use of the Project or any item or products or services provided for in this Agreement.

Section 3.10. Prepayments. The Loan shall be subject to mandatory prepayment, in whole or in part, as, when and to the extent required by the EPA's State Revolving Fund Program Regulations. Otherwise, the Loan may be prepaid by the Borrower, in whole or in part, only at such times and in such amounts, and upon the payment by the Borrower of such prepayment premium or penalty, as the Director, in his or her discretion, may specify and approve.

Section 3.11. Assignment. Neither this Agreement nor the Note may be assigned by the Borrower for any reason without the prior written consent of the Administration. The Administration may transfer, pledge or assign the Note and any or all rights or interests of the Administration under this Agreement without the prior consent of the Borrower.

ARTICLE IV

EVENTS OF DEFAULT AND REMEDIES

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Section 4.01. Events of Default. If any of the following events occur, it is hereby defined as and declared to be and to constitute an "Event of Default":

- (a) failure by the Borrower to pay any amount required to be paid hereunder or under the Note when due, which failure shall continue for a period of 20 days;
- (b) failure by the Borrower to observe and perform any covenant, condition or agreement on its part to be observed or performed under this Agreement, other than as referred to in paragraph (a) of this Section, which failure shall continue for a period of 30 days after written notice, specifying such failure and requesting that it be remedied, is given to the Borrower by the Administration, unless the Administration shall agree in writing to an extension of such time prior to its expiration; provided, however, that if the failure stated in such notice is correctable but cannot be corrected within the applicable period, the Administration will not unreasonably withhold its consent to an extension of such time if corrective action is instituted by the Borrower within the applicable period and diligently pursued until the Default is corrected;
- (c) if (i) at any time any representation made by the Borrower in Section 2.01(f)(ii) is incorrect, or (ii) any other representation made by or on behalf of the Borrower contained in this Agreement, or in any instrument furnished in compliance with or with reference to this Agreement, the Loan Commitment or the Loan, is false or misleading in any material respect on the date on which such representation is made;
- (d) if an order, judgment or decree is entered by a court of competent jurisdiction (i) appointing a receiver, trustee, or liquidator for the Borrower; (ii) granting relief in involuntary proceedings with respect to the Borrower under the federal bankruptcy act, or (iii) assuming custody or control of the Borrower under the provision of any law for the relief of debtors, and the order, judgment or decree is not set aside or stayed within 60 days from the date of entry of the order, judgment or decree; or
- (e) if the Borrower (i) admits in writing its inability to pay its debts generally as they become due, (ii) commences voluntary proceedings in bankruptcy or seeking a composition of indebtedness, (iii) makes an assignment for the benefit of its creditors, (iv) consents to the appointment of a receiver, or (v) consents to the assumption of custody or control of the Borrower by any court of competent jurisdiction under any law for the relief of debtors.

Section 4.02. Notice of Default. The Borrower shall give the Administration prompt telephonic notice, followed by prompt written confirmation, of the occurrence of any event referred to in Section 4.01(d) or (e) hereof and of the occurrence of any other event or condition that constitutes a Default or an Event of Default at such time as any senior administrative or financial officer of the Borrower becomes aware of the existence thereof.

Section 4.03. Remedies on Default. Whenever any Event of Default referred to in Section 4.01 hereof shall have happened and be continuing, the Administration shall have the right to take one or more of the following remedial steps:

(a) declare all amounts due hereunder (including, without limitation, payments under the Note) to be immediately due and payable, and upon notice to the Borrower the same shall become immediately due and payable by the Borrower without further notice or demand; and

(b) take whatever other action at law or in equity that may appear necessary or desirable to collect the amounts then due and thereafter to become due hereunder or to enforce the performance and observance of any obligation, agreement or covenant of the Borrower hereunder.

Section 4.04. Attorneys' Fees and Other Expenses. The Borrower shall on demand pay to the Administration the reasonable fees and expenses of attorneys and the Trustee and other reasonable expenses incurred in the collection of any sum due hereunder or in the enforcement of performance of any other obligations of the Borrower upon an Event of Default.

Section 4.05. Application of Monies. Any monies collected by the Administration pursuant to Section 4.03 hereof shall be applied (a) first, to pay any attorneys' fees or other fees and expenses owed by the Borrower pursuant to Section 4.04 hereof, (b) second, to pay interest due on the Loan, (c) third, to pay principal due on the Loan, (d) fourth, to pay any other amounts due hereunder, and (e) fifth, to pay interest and principal on the Loan and other amounts payable hereunder as such amounts become due and payable.

Section 4.06. No Remedy Exclusive; Waiver; Notice. No remedy herein conferred upon or reserved to the Administration is intended to be exclusive and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law or in equity. No delay or omission to exercise any right, remedy or power accruing upon any Default or Event of Default shall impair any such right, remedy or power or shall be construed to be a waiver thereof, but any such right, remedy or power may be exercised from time to time and as often as may be deemed expedient. In order to entitle the Administration to exercise any remedy reserved to it in this Article, it shall not be necessary to give any notice, other than such notice as may be required in this Article.

ARTICLE V

MISCELLANEOUS

BOOK 0010 PAGE 0121

Section 5.01. Notices. All amendments, notices, requests, objections, waivers, rejections, agreements, approvals, disclosures and consents of any kind made pursuant to this Agreement shall be in writing. Any such communication shall be sufficiently given and shall be deemed given when hand delivered or mailed by registered or certified mail, postage prepaid, to the Borrower at the address specified on Exhibit B attached hereto and to the Administration at Maryland Water Quality Financing Administration, 2500 Broening Highway, Baltimore, Maryland 21224, Attention: Director.

Section 5.02. Binding Effect. This Agreement shall inure to the benefit of and shall be binding upon the Administration and the Borrower and their respective successors and assigns.

Section 5.03. Severability. In the event any provision of this Agreement shall be held illegal, invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate, render unenforceable or otherwise affect any other provision hereof.

Section 5.04. Execution in Counterparts. This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

Section 5.05. Applicable Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Maryland.

Section 5.06. Captions. The captions or headings in this Agreement are for convenience only and shall not in any way define, limit or describe the scope or intent of any provisions or sections of this Agreement.

Section 5.07. Further Assurances. The Borrower shall, at the request of the Administration, execute, acknowledge and deliver such further resolutions, conveyances, transfers, assurances, financing statements, certificates and other instruments as may be necessary or desirable for better assuring, conveying, granting, assigning and confirming the rights, security interests and agreements granted or intended to be granted by this Agreement and the Note.

Section 5.08. Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes all prior oral and written agreements between the parties hereto with respect to the Loan. In the event of any inconsistency between the provisions of this Agreement and anything contained in the Application, the provisions of this Agreement shall prevail.

Section 5.09. Amendment of this Agreement. This Agreement, or any part hereof, may be amended from time to time hereafter only if and to the extent permitted by the Indenture and by an instrument in writing jointly executed by the Administration and the Borrower.

Section 5.10. Disclaimer of Relationships. The Borrower acknowledges that the obligation of the Administration is limited to making the Loan in the manner and on the terms set forth in this Agreement. Nothing in this Agreement nor any act of either the Administration or of the Borrower shall be deemed or construed by either of them, or by third persons, to create any relationship of third-party beneficiary, principal and agent, limited or general partnership, or joint venture, or of any association or relationship whatsoever involving the Borrower and the Administration.

Section 5.11. Effective Date. The effective date of this Agreement shall be the date of the Administration's execution.

Section 5.12. Term of this Agreement. Unless sooner terminated pursuant to Article IV of this Agreement, or by the mutual consent of the Borrower and the Administration, this Agreement shall continue and remain in full force and effect until the Loan, together with interest and all other sums due and owing in connection with this Agreement or the Loan, have been paid in full to the satisfaction of the Administration. Upon payment in full of the Loan together with interest and all other sums due and owing in connection with this Agreement or the Loan from any source whatsoever, this Agreement shall be terminated.

Section 5.13. Delegation Not to Relieve Obligations. The delegation by the Borrower of the planning, construction or carrying out of the Project shall not relieve the Borrower of any obligations under this Agreement and any other documents executed in connection with the Loan.

Section 5.14. Additional Terms. This Agreement shall also be subject to the additional terms, if any, set forth in Exhibit A hereto.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and delivered as of the day and year first above written.

WITNESS:

MARYLAND WATER QUALITY FINANCING
ADMINISTRATION

Stephen M. Kraus
Director

ATTEST:

BORROWER: _____

Name:
Title:

By: _____ (SEAL)
Name:
Title:

Approved for form and legal sufficiency
this ___ day of _____, 2000

Approved for form and legal sufficiency
this ___ day of _____, 2000

Local Attorney for
Borrower

David R. Burke
Assistant Attorney General

Borrower Name: _____
Address: _____
Attention: _____
Project Name: _____

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CONDITIONS TO INITIAL ADVANCE UNDER SECTION 3.03(b)(vi) OF LOAN AGREEMENT:

ADDITIONAL TERMS APPLICABLE TO LOAN AGREEMENT:

Borrower Name: _____
Address: _____
Attention: _____
Project Name: _____

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DESCRIPTION OF THE LOAN

- (1) Project Name: _____
- (2) Principal Amount of Loan Commitment: \$ _____
- (3) Rate of Interest: ____%
- (4) Amortization Schedule:
 - (a) ____ years.
First Principal Payment Date: _____
 - (b) Level Principal ____; or
Level Debt Service _____
- (5) Annual Administrative Fee: \$ _____, beginning _____
- (6) Estimated Completion Date of Project: _____
- (7) Default Rate: _____%
- (8) Description of Project: _____

Borrower Name: _____
Address: _____
Attention: _____
Project Name: _____

PROJECT BUDGET

Breakdown of Eligible Project Costs:

A. Portion of Eligible Project Costs to be directly financed:

<u>Description</u>	<u>Allocated Amount of Loan</u>
--------------------	-------------------------------------

B. Portion of Eligible Project Costs for which Borrower will be reimbursed, which the Borrower hereby certifies were paid or incurred prior to the date of the Agreement, in anticipation of being reimbursed through a loan from the Administration (and subject to compliance with Sections 2.02(1) and 3.03(a) of the Agreement):

<u>Description</u>	<u>Allocated Amount of Loan</u>
--------------------	-------------------------------------

C. Construction Cash Draw Schedule

OPINION OF BORROWER'S COUNSEL

[LETTERHEAD OF COUNSEL TO BORROWER]

[CLOSING DATE]

Maryland Water Quality
Financing Administration
2500 Broening Highway
Baltimore, Maryland 21224

Ladies and Gentlemen:

We are counsel to [NAME OF BORROWER], a [body politic and corporate and a political subdivision] [municipal corporation] [other appropriate description] of the State of Maryland (the "Borrower") in connection with the loan (the "Loan") by Maryland Water Quality Financing Administration (the "Administration") to the Borrower of funds to finance all or a portion of the costs of a project (the "Project") described in Exhibit B to the Loan Agreement dated as of _____, 2000 (the "Agreement") by and between the Administration and the Borrower.

In this connection, we have reviewed such records, certificates, and other documents as we have considered necessary or appropriate for the purposes of this opinion, including, without limitation, the Agreement and the Borrower's Water Quality Bond, Series 2000, dated _____, 2000 (the "Note"). The Agreement and the Note are referred to herein collectively as the "Loan Documents". Based on such review, and such other considerations of law and fact as we believe to be relevant, we are of the opinion that:

(a) The Borrower is a validly created and existing [body politic and corporate and a political subdivision] [municipal corporation] [other appropriate description] of the State of Maryland, possessing authority to acquire, construct and operate the Project and to enter into the Loan Documents and perform its obligations thereunder.

(b) The Borrower has duly authorized, executed and delivered the Loan Documents and, assuming due authorization, execution and delivery of the Agreement by the Administration, the Loan Documents constitute legal, valid and binding obligations of the Borrower enforceable in accordance with their respective terms.

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(c) The Note is a general obligation of the Borrower to which its full faith and credit is pledged, payable if and to the extent not paid from other sources as described in the Agreement from ad valorem taxes, unlimited as to rate and amount, which the Borrower is empowered to levy on all real and tangible personal property within its corporate limits subject to assessment for unlimited taxation by the Borrower.

(d) The Loan Documents and the enforceability thereof are subject to bankruptcy, insolvency, moratorium, reorganization and other state and federal laws affecting the enforcement of creditors' rights and to general principles of equity.

(e) To the best of our knowledge after reasonable investigation, the Borrower has all necessary licenses, approvals and permits required to date under federal, state and local law to own, construct and acquire the Project.

(f) Neither the execution and delivery of the Loan Documents, the consummation of the transactions contemplated thereby, the acquisition and construction of the Project nor the fulfillment of or compliance with the terms and conditions of the Loan Documents conflicts with or results in a breach of or default under any of the terms, conditions or provisions of the charter or laws governing the Borrower (including any limit on indebtedness) or, to the best of our knowledge, any agreement, contract or other instrument, or law, ordinance, regulation, or judicial or other governmental order, to which the Borrower is now a party or by which the Borrower or its properties are otherwise subject or bound, and the Borrower is not otherwise in violation of any of the foregoing in a manner material to the transactions contemplated by the Loan Documents.

(g) To the best of our knowledge after reasonable investigation, there is no action, suit, proceeding or investigation, at law or in equity, before or by any court, governmental agency or public board or body pending or threatened against or affecting the Borrower that, if adversely determined, would materially affect the ability of the Borrower to perform its obligations under the Loan Documents, which has not been disclosed in writing to the Administration.

We hereby authorize Piper & Marbury L.L.P., bond counsel to the Administration, to rely on this opinion as if we had addressed this opinion to them in addition to you.

Very truly yours,

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Borrower Name: _____
 Address: _____

 Attention: _____
 Project Name: _____

DESCRIPTION OF DEDICATED REVENUES

The identification of the dedicated source or sources of revenues above is intended to specify a source or sources of revenues available in sufficient amount to provide for the payment of the costs of operating and maintaining the Project as well as the payment of the costs of debt service of any borrowing incurred to finance the Project. The specification of a dedicated source or sources of revenues above is not intended to constitute an undertaking by the Borrower to pledge, segregate or otherwise set aside any specific funds of the Borrower with the expectation that such funds would be used to pay the debt service on the Loan.

\$(MAX. AMT.)

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REGISTERED

UNITED STATES OF AMERICA
STATE OF MARYLAND

[NAME OF BORROWER]
WATER QUALITY BOND, SERIES 2000
Dated _____, 2000

PAYMENTS OF PRINCIPAL AND INTEREST ON THIS BOND ARE MADE BY CHECK, DRAFT OR ELECTRONIC FUNDS TRANSFER TO THE REGISTERED OWNER AND IT CANNOT BE DETERMINED FROM THE FACE OF THIS BOND WHETHER ALL OR ANY PART OF THE PRINCIPAL OF OR INTEREST ON THIS BOND HAS BEEN PAID.

REGISTERED OWNER: Maryland Water Quality Financing Administration

_____, a [body politic and corporate] [municipal corporation] [other appropriate description] of the State of Maryland (the "Borrower"), hereby acknowledges itself obligated to pay to the Registered Owner shown above, the principal amount of \$_____ (the "Maximum Principal Amount") or so much thereof as shall have been advanced from time to time under the terms of the Loan Agreement dated as of _____, 2000 (the "Loan Agreement") by and between the Borrower and the Maryland Water Quality Financing Administration (the "Administration"), plus interest on the unpaid principal advanced under the terms of the Loan Agreement at the rate of _____ per centum (___%) per annum.

The principal advanced under the Loan Agreement shall be paid in installments on the dates and in the amounts as set forth in the following schedule, as such schedule may be amended in accordance with the terms hereof:

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EXHIBIT C

Form of Loan Proceeds Questionnaire

BOOK 0010 PAGE 0131

Maryland Water Quality Financing Administration ("MWQFA")

LOAN PROCEEDS QUESTIONNAIRE AND CERTIFICATE: NEW MONEY

This Loan Proceeds Questionnaire and Certificate: New Money (the "New Money Questionnaire") should **ONLY** be completed for that portion of a loan from MWQFA (the "Loan") which will be applied to disbursements for an ongoing project. For any portion of the Loan to be applied to refinance "governmental obligations" (defined herein), please complete a Loan Proceeds Questionnaire and Certificate: Refunding.

For the purposes of this Questionnaire, a "governmental obligation" consists of any agreement of a "governmental unit" or an entity acting on behalf of a "governmental unit" to pay principal and interest to another party under a bond, note, installment sale, lease purchase or other arrangement that is indebtedness under general Federal income tax principles.

Applicant inquiries regarding the completion of this document may be directed to bond counsel to MWQFA as indicated below:

Piper Marbury Rudnick & Wolfe LLP
6225 Smith Avenue
Baltimore, Maryland 21209-3600
Attention: Kristin H. R. Franceschi
Phone: 410-580-4151
FAX: 410-580-3780

-
1. Name of applicant (the "Applicant"):
County Commissioners of St. Mary's County

 2. (a) Is the description of the "Loan", the description of each project to be financed in whole or in part from the Loan and other information (including estimated costs and draw schedules for each project) included on Exhibit B and Exhibit C to the Loan Agreement between MWQFA and the Applicant accurate as of the date hereof?

Yes x No

If no, please state any revisions on the next page.

- (b) Please provide the location of the project.
- (c) Please provide the name(s) of the owner(s) of the project.
County Commissioners of St. Mary's County
- (d) Please provide the name(s) of the operator(s) of the project.
St. Mary's County Department of Public Works

3. Will any Loan proceeds be used directly or indirectly by, or be used to finance property used by, any person or entity other than a "governmental unit"? (For purposes of this document, property should be considered used by any person or entity if such person or entity owns, leases, occupies, manages or in any other way uses or receives benefits from the property, or any portion thereof, including use by way of a preferential right to use the capacity or output of the property or pursuant to a take-or-pay agreement with respect to output or usage, other than use on the same basis with the general public. For the purposes of this document, a "governmental unit" includes a state, the District of Columbia, and any political subdivision of a state or the District of Columbia, including municipalities. The Federal government and any agency or instrumentality thereof is not to be considered a "governmental unit".)

Yes _____ No X

If yes, please state the amount of Loan proceeds which will be used by, or used to finance property used by, any person or entity other than a "governmental unit", and describe the nature of such use.

4. (a) Will any Loan proceeds be used to reimburse the Applicant for costs of any project (including preliminary architectural or engineering costs, land acquisition costs, construction costs, and other similar costs) that were paid prior to the date of funding of the Loan?

Yes X No _____

If yes, please attach an itemized list of such expected expenditures for each such project and the date(s) that each such expenditure was or will be paid. Please note that applicable Federal income tax law may prohibit MWQFA from paying with Loan proceeds such reimbursement costs paid either prior to the date of Applicant's "official intent" (as described in Section 1.150-2 of the Income Tax Regulations) or substantially earlier than the date of initial funding of the Loan (as described in (iii) and (iv) of Question 4(b) below). Please contact your bond counsel as to whether all of these expenditures can be reimbursed with proceeds of the Loan.

If yes, please also provide for each such project a copy of Applicant's "official intent" (as defined in Section 1.150-2 of the Income Tax Regulations).

- (b) The Applicant represents that (i) any expenditures submitted for reimbursement that have been paid before the date of initial funding of the Loan are or will be described in the "official intent(s)" described in (a) above; (ii) as of the date each such "official intent" was taken, such "official intent" was consistent with the Applicant's budgetary and financial circumstances and the Applicant reasonably expected to reimburse the expenditures relating thereto with the proceeds of a borrowing; (iii) none of the projects with respect to which such expenditures were paid was placed in service more than eighteen months prior to the date of funding of the Loan; (iv) none of the expenditures was made more than three years prior to the date of initial funding of the Loan; and (v) all of such expenditures constitute capital expenditures (determined under Federal income tax principles).

5. (a) Will the Applicant or other entity levy or charge assessments, hook-up charges or other similar use or connection charges with respect to use of any project or any system of which the project is a component? E.g., in the context of a wastewater facility or landfill, are users being charged for use of the system or tipping fees, respectively?

Yes No

- (b) If yes, are all such assessments or charges mandatory and of general application and applied on a substantially uniform basis to similarly situated users of each such project or system?

Yes No

If no, please describe assessment or charge arrangements for each such project or system.

6. Other than assessments or charges described in Question 5, will there be any direct or indirect payments to the Applicant or any other entity with respect to the use of Loan proceeds by, or the use of Loan-financed property by, any person or entity other than a "governmental unit"? (Use of property and "governmental unit" should be construed in the same manner as in Question 3.) Payments to the Applicant or any other entity may take the form, for example, of loan repayments, rental payments or payments for use of services (other than use on an equal basis with the general public), which could include (by way of illustration), payments for the use or reservation of the processing or transmission capacity of any project, or payments for the indirect use of any project.

Yes No

If yes, please describe the payments for each such project.

7. Will any Loan proceeds be used, directly or indirectly, to make or finance loans (other than indirect loans arising as described in Question 6)? (A loan may arise from the direct lending of Loan proceeds or from transactions that are the economic equivalent of a loan.)

Yes _____ No X

If yes, please indicate the amount of Loan proceeds that will be used to make or finance loans, and describe the purposes and recipients of the loans. In particular, please state whether Loan proceeds will be used to make or finance loans to a "governmental unit".

8. Are any Loan proceeds being used to provide temporary financing for costs of any project in anticipation of the receipt of other moneys (e.g., a state or federal grant) that Applicant expects to receive for that project?

Yes _____ No X

If yes, please describe this arrangement for each such project.

9. (a) Will each project described "commence" on or before the date of funding of the Loan? "Commence" means the incurrence of a binding obligation to a third party for some part of a project, such as, for example, architectural or engineering services, site development, construction materials, or the purchase of equipment for a project in an amount equal to 5% (five percent) of the proceeds of the Loan. For the purposes of the foregoing, an obligation is not binding if it is subject to contingencies within the Applicant's control or that of a related person.

Yes X No _____

If no, please state the anticipated commencement date for each such project.

In order for the funding of the Loan to occur, the Applicant must either have incurred, paid and be seeking reimbursement (as described in Question 4 above) for costs of the projects or have currently payable invoices for costs of the projects or refinancing advances totalling in excess of the lesser of 5% of the Loan amount or \$50,000 (the "Minimum Amount"). To the extent that the amounts listed in Question 4(a) above do not total the Minimum Amount, please attach an itemized list of expenditures for the projects (including preliminary engineering and design costs) that will be payable on the date of funding of the Loan.

- (b) Will the Applicant apply at least 85% of the proceeds of the Loan to costs of the projects before the third anniversary of the date of funding of the Loan?

Yes No

If not, please state the anticipated date by which 85% of the Loan will have been applied to costs of the projects.

- (c) Will the acquisition or construction of each project proceed with due diligence to completion?

Yes No

10. Are there funds, accounts, moneys, securities or other property pledged or otherwise made available for the security of the Loan (other than the projects) that would be reasonably expected to be available to pay debt service on the Loan even if the Applicant encountered financial difficulties?

Yes _____ No X

If yes, please describe this arrangement.

11. Are there any sinking fund, debt service fund or other similar accounts or funds (i) from which the Applicant reasonably expects to pay debt service on the Loan and (ii) which the Applicant would be required to maintain for such purpose unless MWQFA (or other holder of the Loan) consented to the elimination or other modification of this arrangement?

Yes _____ No X

If yes, please describe this arrangement.

12. Will any of the Loan proceeds be used to replace any proceeds of an earlier issue of governmental obligations which were not expended on a project where the earlier issue of obligations was issued to finance the same project?

Yes _____ No X

If yes, please describe the earlier financing and the circumstances regarding the utilization of proceeds of this financing.

13. (a) The Applicant hereby represents and agrees that, in connection with the Applicant's Loan, it will not invest proceeds of such Loan at a yield materially higher than the yield on the Loan as a part of a "minor portion", as defined in Section 148(e) of the Internal Revenue Code of 1986, as amended (the "Code") (i.e., the Applicant will not utilize its general right under Section 148(e) of the Code to invest the lesser of 5% of the proceeds of the Loan or \$100,000 at a yield in excess of the yield on the Loan).
- (b) The Applicant further represents and agrees that, in connection with Applicant's Loan, it will not apply proceeds of the Loan to reimburse expenditures for which Applicant did not take "official intent" and that do not constitute "preliminary expenditures" (i.e., the Applicant will not utilize its right under Section 1.150-2(f)(1) of the Income Tax Regulations to apply up to the lesser of 5% of the proceeds of the Loan or \$100,000 to reimbursement for expenditures not covered by an "official intent" and that are not "preliminary expenditures", as such terms are used in Section 1.150-2 of the Income Tax Regulations).
14. The undersigned is authorized to execute and deliver this document on behalf of the Applicant. Further information regarding the Applicant's responses may be obtained from the following Applicant contact person(s):

Name	Elaine M. Kramer
Title	Director of Finance
Address	P. O. Box 653
	Leonardtown, Maryland 20650
Telephone	301-475-4469
Facsimile	301-475-4489

15. The Applicant acknowledges that this document will be relied upon by MWQFA and co-bond counsel in connection with the issuance and general public sale and distribution of MWQFA tax-exempt bonds, and that the Applicant has a continuing obligation to update promptly the information and representations contained herein both on the date of funding of the Loan and through and until the allocation of the Loan to MWQFA Revolving Loan Fund Revenue Bonds.

16. The Applicant acknowledges that any variation from the representations made herein occurring after the date described in Question 15 shall be subject (without limitation) to the Applicant's covenants set forth in the Loan Agreement between the Applicant and MWQFA. Moreover, without limiting the foregoing, the Applicant specifically acknowledges a continuing obligation to update any changes to the representations set forth in Questions 4(b), 9(a), 10 and 11.

County Commissioners of
St. Mary's County

Name of Applicant: _____

By: Julie B. Randall
Signature

Julie B. Randall

Name

President

Title or Office

Date